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THE

PUBLIC RECORDS

OF THE

COLONY OF CONNECTICUT,

FROM AUGUST, 1689, TO MAY, 1706.

TRANSCRIBED AND EDITED, IN ACCORDANCE WITH RESOLUTIONS OF THE GENERAL ASSEMBLY,

BY CHARLES J. HOADLY,

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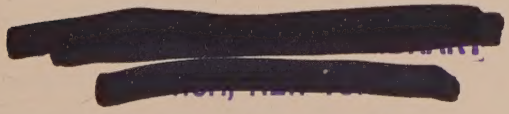

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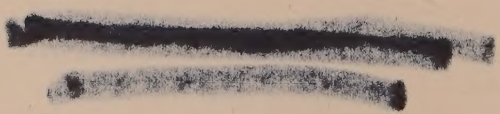

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PREFACE.

THE third volume of Colonial Records published under the editorship of Mr. Trumbull terminates with the session of June, 1689. The following pages contain the records from August, 1689, to the close of May session, 1706, being the remainder from page 204 of the third manuscript volume of Records of the Colony of Connecticut in the Secretary's office.

The Council Journal from May 30th, 1696, to May, 1698, being so much of that Journal during the period embraced in the present publication as is now found recorded in the Secretary's office, has been included in this volume: it is printed in a smaller type and arranged in order of time between several sessions of the General Assembly. This Council Journal is taken from a volume rebound a few years since and lettered Colonial Records, New England, 1664, 1702.

To the end of October session, 1696, on page 156 of this book, the record is in the handwriting of John Allyn; the remainder is in that of Eleazar Kimberly.

Several orders omitted from the record by Secretary Allyn have been restored to their places in this publication on the authority of cotemporary and authentic manuscripts. These acts or orders are printed so as to be readily distinguishable from the record itself, and the source whence they are derived is noted. The manuscripts from which I have taken these additions are two: one, cited as the Windsor MS. is now in the Library of the Connecticut Historical Society, where it was some years since deposited by Henry Barnard, LL. D. It formerly belonged to the town of Windsor, and contained the code of 1650, with the session laws to October, 1708 inclusive, which were

entered by the town-clerk, according to law, from the copies certified and sent out by the secretary. This volume is in pretty good preservation, but has lost a few leaves. The other, cited as the Stanly MS. is in the State Library: it consists of manuscript additions to a copy of the Laws of Connecticut, of the edition of 1673, which formerly belonged to Capt. Caleb Stanly, one of the Assistants 1691–1701, and the manuscript is mostly by his hand.

The proceedings of the General Assembly and other courts were originally entered in waste books. As being first wanted, the copies of laws and orders sent to the several towns would be made from the waste books before the secretary found convenient leisure to make up his record in the regular record books, and we may account for the omissions from the latter by remembering that Col. Allyn was much occupied, and that between the dates of the sessions and the making up of the record, which was not always done at one sitting, and which he probably did not think it necessary to compare with the waste book, some interval of time elapsed.

Mr. George Brinley has a portion of one of the waste books of the General Assembly, which ended with May session, 1677, and contained their proceedings for several years preceding: it is mostly in the handwriting of John Allyn, but in the session of May, 1675, several lines are in that of Deputy Governor Leete, and of the last three pages of the session of May, 1673, the two former are in the hand of Edward Palmes, and the last in that of Samuel Talcott. Unfortunately the leaves which held the May session of 1676 have been torn out, for there was an act passed at that session to prevent oppression, by regulating prices and the profits of merchants and traders, which is not found on the records nor printed by Mr. Trumbull, but is found with the other acts of that session in the Stanly MS. and in a MS. in the library of Yale College, and we should have been curious to see whether that act was to be found on the waste book. The Windsor MS. has lost the leaves which contained acts of the same session.

It was my intention to include in this volume selections from the extensive and interesting correspondence of this period which is preserved in our archives, but want of space compelled me to omit

them, as it did also a number of notes to the text which had been prepared. However, I trust that at no distant day these letters, with such documents of public interest relating to the history of Connecticut as are to be found in other repositories, will be given to the public.

After the resumption of the charter government in 1689, a new seal was procured, of which a representation is given on the title page, taken from an impression of it on a document in the possession of the Connecticut Historical Society. In the first volume of the Collections of that Society is an article on the history of the seal, to which I can only add that Governor Roger Wolcott states, in a memoir relating to the history of Connecticut written for President Clap in 1759, and now in the possession of Mr. George Brinley, that his step-father, Capt. Daniel Clark, who was secretary of the Colony from 1658 to 1663, told him that the seal was presented to the Colony by George Fenwick.

On page 76 is a note relative to a trial for witchcraft in 1692. This was the last trial in Connecticut for this imaginary crime, and there was but one subsequent indictment, (viz., that of two females in Wallingford in October, 1697, upon which the grand-jury returned *Ignoramus*,) although witchcraft was still counted among the capital offences in the revision of our laws published in 1702, and it was not omitted from the list when the laws were reprinted in 1715. I had prepared a somewhat extended account of cases of witchcraft in Connecticut, but found it too long for insertion as a note.

Some important changes, as well in the mode of enacting and administering the laws as in the laws themselves, were made during the years which this volume covers. The office of Justice of the Peace was established in January, 1697–8, replacing the office formerly known as Commissioner; and the colony and county Marshalls became Sheriffs in the succeeding May. In October, 1698, an act was passed to divide the general assembly, which had hitherto sat as one body with the governor, or in his absence the deputy governor, as its presiding officer, into two branches, a measure calculated to cause the exercise of greater deliberation in the passage of acts. In the same session a probate court was erected in each county, distinct from the

county courts, and an act for the settlement and distribution of estates, which is the basis of our present law on those subjects, was passed the next year. In 1701, the place for holding the October sessions of the general assembly and court of assistants was altered, and in the autumn of that year the Collegiate School was incorporated. In 1702 a new revision of the colony laws was published, a work for which a committee was first appointed in October, 1696.

Other matters of interest in this volume are the papers relative to the visit of Col. Fletcher to Hartford, in October, 1693, for the purpose of presenting his claims to the command of the Connecticut militia, which he did not succeed in establishing, although the story of how he was foiled by Capt. Wadsworth does not rest upon any good foundation. The incorporation and settlement of quite a number of new towns, and the division of some towns into villages and distinct ecclesiastical societies, which at a later day became towns, may also be specified.

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July 2, 1868.

THE PUBLIC RECORDS

OF THE

COLONY OF CONNECTICUT.

[VOLUME III.]

[204] A SPECIALL COURT HELD AT HARTFORD, AUGUST 29, 1689, BY ORDER OF THE GOVERNOR.

The gentlemen of the Court appeareing with the deputies there not being a sufficient number of Assistants to constitute a Court the Governor dismist those present and orderd a meeting of the Generall Court the 3d day of September next in Hartford.*

* The General Court was unable to meet in August on account of the prevalence of an epidemic sickness. Secretary Allyn writes to Governor Bradstreet, August 9, 1689, "It is a very sickly time in most of our plantations, in some near two-thirds of our people are confined to their beds or houses, and it is feared some suffer for want of tendance, and many are dead amongst us, and the great drought begins to be very afflictive." He writes again to the same, September 4, "The sickness is indeed very sore in most of our towns; Mr. Hamlin, one of our Assistants, was buried last Monday, Mr. Wadsworth lies dangerously sick, and Capt. Talcott is hopefully recovering out of the sickness, but not yet abroad." War, II, 11, 18. In the town of Windsor the deaths of 29 individuals are recorded between July 10 and September 16, 1689. Copy in Colony Rec. of Deeds &c. II. There were more than 20 victims in New London. Mr. Wetherell, the recorder, inserted a list of them in the town book under the following caption, "An account of several persons deceased by the present distemper of sore throat and fever, which distemper hath passed through most families and proved very mortal with many, especially to those who now have it in this more than ordinary extremity of hot weather, the like having not been known in the memory of man." Caulkins Hist. of N. Lond. 198.

Col. Robt. Treat Esq^{r}. Gov^{r}.
James Bishop Esq^{r} Dept.
Major Nathan Gold,
Capt. Jn^{o} Allyn,
Capt. Andrew Leet,
Capt^{n} Sam^{ll} Mason,
Capt^{n} Benj. Newbery.

Deputies.

Capt^{n} Caleb Stanly, } for Hartford.
M^{r} W^{m} Pitkin, }

Capt. Joseph Fitch, } for Windsor.
Corn^{t} Return Strong, }

L^{nt} James Treat, } for Wethersfeild.
Deac. Sam^{ll} Butlar, }

abs. Capt John Stanly, } for Farmington.
Sarj Steven Heart, }

Capt Moses Mansfeild, } for New Hauen.
L^{nt} Abram Dickerman, }

M^{r} W^{m} Maltby, } for Brandford.
abs. L^{nt} Eliez. Stent, }

abs. M^{r} Jere. Judson, } for Stratford.
abs. M^{r} John Wells, }

abs. M^{r} Tho. Clark, } for Milford.
Capt. Jn^{o} Beard, }

abs. M^{r} Alexander Pigon, } for N. London.
abs. M^{r} John Wheeler, }

Ens. Tho. Yeale, } for Wallingford.
abs. M^{r} Tho. Curtice, }

The 3^{d} day of September 1689, the Generall Court mett accordingly; the members of the Court are in the margent; such deputies as were absent it is so notifyed.

The Governo^{r} declared how he had commissioned Captain Bull and how he had instructed him to treat the Maquaes. The Court by their vote declared that they owned and approued of what the Governo^{r} had done in commissionating of Capt Bull in goeing to Albany and treating the Maquaes &c. with the instructions giuen him.*

The Court by their vote declared they would send com^{rs} to treat with those of

* Governor Bradstreet writes Aug. 21, 1689, "The enemy is daily making their incursions upon our frontier towns, murdering and captivating, burning and destroying; and we fearing lest by their suggestions and lies they should incense the Maquas against us, we have sent our messengers Major Tho. Savage and Capt. Andrew Belcher, hoping that Major Pynchon will go along with them, to renew our amity with them and to give them a true information of the present state of things in Europe as to the war between the English and Dutch against the French, and our own innocency in this our war with these eastearn indians," and requests that Capt. Bull may be sent by Connecticut to accompany the messengers of Massachusetts. Gov. Treat replies Aug. 31, that Capt. Bull had been commissioned and instructed to join in treating with the Maquas, that with Major Savage and Capt. Belcher he had gone on the Monday previous to Westfield, whence with Col. Pynchon they had started for Albany the next day. War II, 15, 16.

Lnt Nath White, Robt Warner, } for Midleton.
Captn Georg Denison, *abs.* Mr Tho. Stanton, } for Stoneington.
Mr. Wm Ely for Lyme.
Mr John Higly for Simsbury.
Lnt Henry Crane for Kellingworth.
Deacon Wm Johnson, Deacon Jno Graue, } for Guilford.
Mr Wm Dudly, *abs.* Ens. Jno Prat, } for Saybrooke.
abs. Ensign Georg Gates, Joseph Arnold, } for Hadum.
abs. Ens. John Bate, for Standford.
Lnt Tho. Leffingwell, *abs.* Lnt Benj. Brewster, } for Norwich.
abs. Ens. Thomas Jud for Waterbury.

Massachusets and Plimouth to consult of such rules and methods as shall be judged most proper for the preserueing and secureing of their Maties subjects in these plantations against the rage of the heathen and the suppressing of them.*

This Court made choyce of the Honrd James Bishop Esqr and Captaine Samuel Mason (and Mr Wm Pitkin for a reserue) to be comrs and agents for and in behalf of this colony to meet with the comrs of the Massachusets, Plimouth (and Road Island if they send any,) in Boston, who are by this Court fully impowered to consult with the afoarsayd gentlemen, aduise and determine of such rules and meathodes as shall be judged most proper for the preserueing and secureing of their Maties subjects in New England eastward, and in the Massachusets colony, and for the ruin of the enemie, according to such instructions as herewith are deliuered you.

Instructions for or Comissioners.

You are to gayn the best acquaintance you can come at of the grounds and reasons of the war, and if you doe find that the Indians haue receiued wrong and just provocation from the English to incensse them against them, though not to proceed as they haue done, you are to labour wth the gentlemen (if any way of makeing it knowne to the enemie can be thought of,) that a meet sattisfaction may be made or tendered to them for such wrong, and if that be not accepted by them and will not be peaceable and make sattisfaction for

* This measure had been suggested by Gov. Bradstreet, by order of the Convention at Boston, in a letter dated July 17, 1689, and further urged in letters of August 13th and 23d. War II, 10–18.

what wrong they haue done the English, or you are otherwise sattisfyed in the justice of the war then by the help of God you are to proceed against them to subdue them by force of armes.

2. That what army shall be concluded by the comissioners to be necessary for the war, this colony will rayse and mayntayne such a proportion of it as is agreeable to the proportion of their estates and ours as it shall be agreed by our comissioners with the others prouided they rayse not an army greater then will be answered with two hundred English and Indian souldiers for this colony, and if we by reason of sicknesse or other necessities cannot or doe not send our agreed number that then they being raysed in the other colonyes, we will pay and maintayn them as our owne.

3. That the conduct of such forces as shall be raysed out of this colony *shall be raysed out of this colony* shall be under theire own officers, subjected onely to the generall of the whole army or such as doe rule the whole armyes.

4. That the payment of souldiers be concluded by the commissioners as to what it shall be and that and other charges of the war in want of money shall be made and accepted in pro-
[205] uissions at one third of the price || allwayes currant at Hartford to be abatted to make it as money.

5. If the prouidence of God should so dispose that the seate of the war should be remoued from those partes into these partes that like assistance be granted to vs by all the confederates to repell the enemie in these partes.

The secretary is to signe the comission and instructions for our Com^{rs} in the name and by order of this Court and the letter of this Court.

This Court confirmes M^{r} Joseph Fitch captain of Windsor traine band of the north end of Windsor town, and Abraham Phelps l^{nt} of the sayd company, and Thomas Stoughton ensigne of sayd company, who are to be commissionated accordingly.

John Allyn was by this Court chosen L^{nt} Colonell of the regiment of the county in Hartford, and Benjamin Newbery Major for the sayd regiment, who are to be commissioned accordingly.

Capt^{n} John Chester is chosen captain and M^{r} John Buttolph leiutenant and M^{r} John Chester ensign for the sowth traine

band of Weathersfield, and this Court approued and confirmed, who are to be commissionated accordingly.

Mr Robt Wells is chosen captain, Wm Warner lnt, Samll Butlar ensigne of the traine band of the north end of Weathersfeild, and by this Court approued and confirmed, who are to be commissionated accordingly.

Joseph Wadsworth is chosen lnt, and Zachary Sandford ensigne for the traine band of the north side of Hartford, and by this Court approued and confirmed, who are to be comissioned accordingly.

Caleb Standly was chosen captain and Jonathan Bull lnt, and Jacob White ensigne of the traine band of the sowth side of Hartford, and by this Court confirmed, who are to be commissionated accordingly.

Capt. Georg Dennison is chosen captain and Mr Thomas Holister liuetenant of such volunteers as shall goe forth against the enemie, and they are to be commissionated accordingly, and they haue liberty to beat up their drums for volunteers to serue under them in euery plantation in the countyes of Hartford and New London.

Ebenezer Johnson is chosen captaine of such volunteers as shall go forth against the enemie, and is to be commissionated accordingly, and he hath liberty to beat up the drum for volunteers to serue under him in euery plantation in the county of Fayrefeild and New Haven.

And in case there should not be volunteers enough to make 200 wth the Indians that shall be willing to goe forth against the enemie, this Court orders that there be a press giuen out in the name of his Matie by order of this Court, to presse *to presse* so many as shall make up the number as shall be agreed to be sent out, and to press all such armes and ammunition or prouission as shall be needfull for the setting them forth.

This Court order that the power in millitary affayres which by law is giuen to sargt majors shall in euery respect be in euery lnt colonells power to exercise that is chosen or shall be chosen by the Generall Court, and by them be commissionated to that office, and that each of them shall haue the command of his sarjt major and all other inferiour officers in his regiment.

This Court desires and impowers o^r com^rs to purchass fouer or six barells of powder with som lead for the use of the colony, and upon their credit, and to cause it to be sent up to the treasurer for the account and venture of the colony.

This Court [doe order]* that lists shall be made of the persons and estates rateable by law of the seuerall persons in this colony to be presented to the Generall Court October next, and if any person neglect to giue in a true account of their persons and estates, it shall be in the power of the listers or Generall Court to rate them will and doome.

Forasmuch as in this juncture there may fall out many emergent occasions in the enteruales of the Generall Court which will require speedy attendance, in refference to the war with barbarous Indian enemies; for the better disspatch of all such affayres this Court doe desire and impower the Hono^rd Governo^r and so many of the Assistants as can conveen, not lesse then fower persons of them in all, the Gouerno^r or Deputy allwayes being one, to be a committee for this Court and Colony, to transact the colony affayres that shall necessarily occur; this to continue till the Generall Court in October next.†

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[206] A Generall Court held at Hartford, August 29th 1689, ℔ order of the Governo^r.

The Gent^n of the Court appearing with the Deputies, there not being a sufficient number of Assistants to constitute a Court, the Governo^r dismist those present and ordered a meeting of the Generall Court the 3^d day of September next in Hartford.

The 3^d day of September, 1689, *the Generall Court mett accordingly; the members of the Court are in the margent; such deputies as were absent it is so notifyed.*

Rob^t Treat Esq^r, Gov^r.

James Bishop Esq^r Dept.
Major Nathan Gold,
Capt. John Allyn,
Capt^n Andrew Leet,
Capt. Samuel Mason.
Capt^n Benj. Newbery.

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* Windsor MS.

† The 11th of September was appointed "to be kept a day of prayer throughout the Colony to seek the Lord to save the land for his own name sake, by giving counsel and success to the endeavors of his people in serving his holy providence, for the suppression of the cruel and crafty enemies of his people, and remove sickness from us &c." War II, 18.

Deputies.

Capt^n Caleb Stanly, M^r W^m Pitkin; for Hartford.
Capt. Joseph Fitch, Cornet Return Strong; for Windsor.
L^nt James Treat, Deacon Sam^ll Butlar; for Wethersfeild.
Capt^n John Stanly, Sarg^t Steven Heart; for Farmington.
Capt. Moses Mansfeild, L^nt Abram Dickerman; for New Hauen.
M^r W^m Maltby; abs. L^nt Eben Stent; for Brandford.
abs. M^r Jeri. Judson; abs. M^r Jn^o Wells; for Stratford.
abs. M^r Tho. Clarke; Capt. Jn^o Beard; for Milford.
abs. M^r Alex: Pigon; abs. M^r John Wheler; for N. London.
abs. Ens. Tho. Yeale; abs. M^r Tho. Curtice; for Walingford.
L^nt Nath. White, M^r Rob^t Warner; for Midleton.
Capt. Georg Denison; abs. M^r Tho. Stanton; for Stoneington.
M^r W^m Ely; for Lime.
M^r John Higly; for Simsbury.
L^nt Henry Crane; for Kenilworth.
Deacon W^m Jonson, Deac. John Graue; for Guilford.
M^r W^m Dudly; abs. Ens. John Prat; for Saybrook.
Ens. Georg Gates, Joseph Arnold; for Hadum.
abs. Ens. John Bates; for Standford.
L^nt Tho. Leffingwell, L^nt Benj. Brewster; for Norwich.
absent, Ens. Tho. Jud; for Watterbury.

The Gov^r declared how he had commissionated Capt. Bull and instructed him to treat the Maquaes.

The Court by theire vote declared that they owned and approued of what the Governo^r had done in commissionateing of Capt^n Bull in goeing to Albany and treating the Maquaes, &c. with the instructions giuen him.

The Court by their vote declared that they would send Com^rs to Boston to treat with those of the Massachusets and Plimoth to consult of such rules and methods as shall be judged most proper for the preserueing and secureing of their Ma^ties subjects in these plantations against the rage of the enemie and the suppressing of them.

This Court made choyse of the Honoured James Bishop Esq^r and Capt^n Samuel Mason to be Com^rs and agents for and in the halfe of this Colony to meet with the Com^rs of the Massachusets, Plimouth and Rohde Island, (if they send any,) in Boston, who are by this Court fully impowered to consult w^th the afoarsayd gent^n, aduise and determine of such rules and methods as shall be judged most proper for the preserueing and secureing of their Ma^ties subjects in these plantations against the rage of the enemie, who are now in open hostility against his Ma^ties subjects in New England eastward and in the Massachusetts Colony, and for the

ruine of the enimie, according to such instructions as are herewith deliuered you.

Instructions for our Commissioners.

1. *You are to gayn the best acquaintance you come at of the grownds and reasons of the war, and if you doe finde that the Indians haue receiued wrong and just provocation from the English to incensse them against them, though not to proceed as they haue done, you are to labour w^th^ the gent^n^ (if any good way of makeing it known to them can be thought of,) that a meet sattisfaction may be made or tendered to them for such wrong, and if that be not accepted by them and they will not be peaceable and make sattisfaction for what wroung they haue done the English, or you are otherwise sattisfyed in the justice of the war, then by the help of God you are to proceed against them to subdue them by force of armes.*

2. *That what army shall be concluded by the Com^rs^ to be necessary for the war this Colony will rayse and mayntayne such proportion of it as is agreeable to the proportion of their estates and ours, as it shall be agreed by our Comissioners with the others, prouided they rayse not an army greater then will be answered with two hundred English and Indian souldiers for this Collonyes proportion, and if we* be *by reason of sickness or other necessities cannot or doe not send our agreed number, that they being raysed in the other Colonyes, we will pay and mayntayn them as our owne.*

3. *That the conduct of such forces as shall be raysed out of this Colony,* shall be raysed out of this Colony, *shall be under there own officers, subjected onely to the generall of the whole army, or such as doe rule the whole armyes affayres.*

4. *That the payment of souldiers be concluded by the Com^rs^ as to what it shall be, and that and other charges of the war in want of money shall be made and accepted in prouissions at one* [207] *third of the* || *price allwayes currant at Hartford, to be abatted to make it as money.*

5. *If the prouidence of God should so disspose that the seat of the war should be remoued from those partes into these partes, that like assistance be granted to vs by all the confederates to repell the enemie in these partes.*

The Secretary is to signe the commission and instructions for o^r^ Com^rs^ in the name and by order of this Court, and the letter of this Court. The aboue and that in the other page is recorded before.

A Generall Court held at Hartford, October 10th 1689.

Col. Robt Treat, Esqr, Govr.
James Bishop, Esqr, Deput Govr.

Mr Samuel Willys, Capt. Andr. Leet,
Lnt Col. John Allyn, *Secry*. Capt. James Fitch,
Mr Wm Joanes, Capt. Samuel Mason.

Deputies.

Mr Ciprian Niccols, Captn Caleb Stanly; for Hartford.
Capt. Joseph Fitch, Mr Return Strong; for Windsor.
Captn Moses Mansfield, Lnt Abram Dickerman; for N. Hauen.
Mr John Burr, Mr James Bennet; for Fayrefeild.
Mr Daniel Witherly, Ens. James Morgan; for N. London.
Capt. John Beard, Capt. Samll Eales; for Milford.
Capt. Wm Lewis, Capt. John Stanly; for Farmington.
Capt. John Chester, Lnt James Treat; for Weathersfeild.
Mr Tho. Minor; for Stoneington.
Lnt Nath. White, Ens. Wm Warde; for Midleton.
Mr Josia Rossiter, Deacon Wm Johnson; for Guilford.
Mr Benj. Brewster, Ens. Wm Baccuss; for Norwich.
Mr Jos. Curtice, Mr James Judson; for Stratford.
Mr Samuel Hayes; for Norwalk.
Ens. Thomas Yale, Mr Tho. Curtice; for Wallingford.
Mr John Chapman, Mr Wm Dudley; for Saybrook.
Lnt Abram Brunson; for Lyme.
Mr Wm Malby; for Branford.
Mr Georg Gates, Mr Jos: Arnol; for Haddum.
Mr Joseph Griswold; for Kellingworth.
Ens. John Higley; for Simsbury.

The list of the persons and estates belonging to the seuerall townes in the Colony are,—

		li	*s*	*d*			*li*	*s*	*d*
298	Hartford,	19112	00	00	317	New Hauen,	16286	00	00
259	Windsor,	14953	00	00	155	Milford,	09856	00	00
228	Weathersfield,	13992	00	00	69	Brandford,	03550	00	00
81	Farmington,	06574	00	00	110	Guilford,	07000	00	00
70	Simsbury,	03606	00	00	73	Wallingford,	03698	00	00
124	Midleton,	05468	00	00	38	Derby,	01304	00	00
63	Haddum,	02659	00	00	168	Fayrefeild,	09647	00	00

172 New London,	08588 00 00	110 Stratford,	07913 00 00
82 Norwich,	06162 00 00	53 Woodbury,	02700 00 00
83 Saybrook,	05554 00 00	55 Norwalk,	05022 00 00
63 Lyme,	04207 00 00	113 Standford,	05089 00 00
45 Kenilworth,	02430 00 00	59 Greenwich,	02622 00 00
83 Stoneington,	04828 00 00		

Whereas New London have neglected to make return of the list of their estates to this Court, the Court appoynt Mr Daniel Witherell, Mr James Auery, junr, Ensign Clement Minor, and Mr Wm Dowglasse, forthwith to take a list of the persons and estates of the sayd towne of New London, and send it up to the Secretary, to be entered and recorded, and in case any refuse to giue in an accot of their estates, they are to list them as near as they can com at them by the best inquiry they can make.

Woodbury neglecting to return their list, lut Iserell Curtice, Mr John Sherman and Samuel Stiles are appoynted forthwith to make a list of the persons and estates of that towne, and to return it to the Secretry, to be entered and recorded, and in case any neglect or refuse to giue in an accot of their persons and estates to the list makers, they are to list them as neer as they can com at them by the best inquiry they can make.

The like order is to be taken for Derby, Samuel Rigs, Isack Niccols, Wm Tomlinson and Jeremy Johnson senr, to make the list as aboue, and John Higley, Peter Bewell, Samuel Wilcox and Joshua Holcombe, to make the list for Simsbury. Tho. Judd, John Stanly and Isack Brunson, are to make the list for Waterbury, &c.

This Court seeing the great charge they are put to many wayes for the defence of themselues and his Maties subjects in other partes, see themselues necessited and accordingly doe call in that releife that hath been granted to the forte at New Yorke, and appoynt the secretary in the name of this court to signify so much by letters to Captn Leishler, and allso to signify that if any force shall inuade them we shall be ready to relciue them according to our abillity and capacity.*

Captn Samll Mason and Mr Wm Pitkin were chosen commissioners for the next meeting of commissioners at Boston,

* The letter from the General Court signed by John Allyn, Secretary, is in War II, 23. It is printed in the Documentary History of N. Y. II, 20.

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the 18th of this moneth, and Mr Daniel Witherell for a reserue.

This Court haueing considered Mr George Sanders petition and what he hath prsented, and what Mr Pitkin hath returned, doe find that Mr Pitkin hath yet done Mr Sanders no wrong, and therefore doe aduice Mr Pitkin to stand to what he propownded, and Mr Sanders to get some honest, sufficient man to engage Mr Pitkin that the payment of the money shall be made to him within three moneths from this date, and that Mr Pitkin accept thereof according to his tender made in court.

Georg Gates was approued and confirmed to be lnt of Haddum trayne band, and James Wells, ensigne, who are to be commissionated accordingly.

John Stanly in like mañer is confirmed lnt, and Thomas Jud ensigne of the trayne band of Waterbury.

It is ordered by this Court and the authority thereof, that all and euery person and persons of peaceable, orderly and [208] good conuersation, being || in possession of freehold estate to the value of forty shillings in country pay ℔ annum, and being twenty one yeares of age, upon due certificate made thereof, by the select men of the seuerall plantations, or the major part of them, to which they doe belong, shall be allowed, admitted and enrowled freemen of this corporation, which certificate being made and presented to any assistant or commissioner, the sayd assistant or comr shall administer the freemans oath to the sayd persons, and return the names of those so admitted and sworn to the Secretary of the Colony, to be enrowled accordingly.

It is ordered by this Court that for the future the freemen in the seuerall plantations shall meet in their seuerall townes upon the third Tewsday in March yearly, at their meeting house, about nine of the clock in the morning, and there each freeman shall giue in the names of twenty persons fayrely written upon a peice of paper to the constable and commissioner or townsemen of their town, (whoe they choose for to be nominated at the election for Assistants,) who shall receiue them and seal them up in a peice of paper, and the constables shall the next Fryday after the sayd meeting, carry their sayd

votes to the county town, and the constable of the county town shall by himselfe or one appoynted by the constables met at the county towne carry the voates of the seuerall townes to Hartford, there to meet on the last Tewsday in March yearly, in the court chamber, and the Assistants present, or Secretary, shall administer an oath to those that shall com from the sayd county townes, faythfully to sorte the sayd votes, and the names of those twenty they shall find to haue most votes shall by the Secretary be sent back to the seuerall county townes by the sayd persons that shall bring up their votes, and from thence the seuerall townes shall haue notice of those twenty that are by the freemen appoynted to stand for the nomination at the court of election, and upon the last Tewsday in Aprill the freemen in each town in this Colony are to meet as afoars^{d} about nine of the clock in their meeting house, and out of that number of twenty chosen for the nomination they are to giue in their votes for the Gov^{r}, with his name fayrely written upon a peice of paper; in like maner they are to giue in their votes for the Dep^{t} Gov^{r}, wth his name fairly written upon a peice of paper, all which are to be sealed up and writ upon, These are the votes for the Governo^{r}, and so for the Dep^{t} Gov^{r}. They are allso to goe ouer the whole nomination person by person, according as they are set downe in the nomination, [*and every freeman is to bring in his vote to the constable for every one which shall be in the nomination,*]* which votes shall be a white paper for a blanck, and a paper with some writing upon it for election, and each mans voate shall be sealed up and the name of the person that is voted for shall be written of the outside of the paper, and so they are to pass through the nomination and to giue in their votes for Treasurer and Secret^{r}y, which in like maner are to be sealed up and writ upon, and the votes put into the hands of the deputies of their towne, who are to bring them up to the election and deliuer them at the time of the election as they are called for, any former order to the contrary notwthstanding, and those twelue men that haue most uotes when the whole number is gon over shall be declared Assistants for the yeare ensueing.

* Windsor and Stanly MSS.

This Court orders that the proportion of men that is to be raysed to send *to send* to Albany, is as followeth: in Hartford county, 18 and a captn; New Hauen, 15 and a lnt; Fayrefeild, 14 and an ensigne; New London, 13 and the eldest sarjt; and for the proportion of the seuerall townes in the county, this Court leaues it with the Governor to setle it at New Hauen county, Major Gold in Fayrefeild county, Lnt Col. Allyn in Hartford county, and Capt. Fitch and Mr Wetherell for New London county. New Hauen town, 6. Milford, 4. Guilford, 3. Brandford, 2. Wallingford, 1. Kenilworth, 1. Saybrook, 2. Lyme, 2. New London, 4 and a sarjt. Norwich, 2. Stoneington, 3.

This Court orders that since we haue reassumed or goverment the deputies of the seuerall plantations shall receiue the same sallery as they did formerly receiue long before the change of goverment, onely where two deputies doe not come up for a towne those deputies shall haue but halfe the salery allowed, and for speciall courts the charge of the deputies shall be payd out of the publique treasury, any order to the contrary notwithstanding.

[209] This Court grants the Governor forty pownds towards the charge and trouble he hath been at this year for the country; and to the Dept Govr upon the same accot; to the Secretary, ten pownds; the Treasurer, twenty fiue pownds; to the Marshall, fifteen pownds.

This Court grants a rate of a penny halfe penny upon the pownd of all the rateable estate in the Collony, to be payd one third in wheat, winter wheat at fower shillings six pence p bushell, sumer wheat fower shillings p bushell, and one third in indian corn, at two shillings six pence p bushell, one third in pease or rye at three shillings p bushell, and porck at three pounds ten shilling p barell, and if any will pay halfe their rates in wheat and halfe in indian at the price abouesayd, it is to be accepted, all which pay is to be good and merchantable. If any will pay two thirds of their rate in money, it is to be accepted in full of their rates; this is to defray the countreyes charge.

Captain Wm Lewes and Captain John Stanly are chosen

commissioners for Farmington and Waterbury, and Mr Henry Woolcot for Windsor and Simsbury.

This Court apoynts John Post to lay out to Capt. Fitch his grants of land according to his grants.

This Court appoynts and desire Capt. Samuel Tallcot, Ens. Nath. Stanly and Mr Cipprian Niccols to consider and setle the matter that was commited to them concerning the fence at Simsbury, according to the former order of this Court, and to attend it as soone as they shall be called to attend it by the select men or major part of them.

This Court by their vote granted John Parker the sum of ten pownds, prouided he continue and attend his charge in the forte at Saybrooke till the last of May next.

This Court doth appoynt that the Govr or Deputy Governor with the Assistants, so many of them as shall conveen, not less then three of them, with Capt. Caleb Standly, Mr Ciprian Niccols, Ens. Nath. Stanly, Capt. John Stanly and Mr James Treat, or any three of them, shall be a Committee or Counsell of Safety in behalfe of this court, to order and act all such maters of publique concernment that shall fall in in the interualls of the Generall Court, and be necessary to be attended till the Court in May next.

It is left by this Court with the Governor to appoynt a day of publique thanksgiueing and a day of humiliation as soone as he shall see fitt.

The Court adjourned till the Governor or Dept. Govr shall see cause to call them agayn.

A Genll Court held at Hartford by special order of the Governor, Aprill 11th, 1690.

Col. Robt. Treat, Esqr Govr,	L. Col. John Allyn, Secr,
Mr Samuel Willys,	Capt. James Fitch,
Major Nathan Gold,	Capt. Samll Mason,
Mr Wm Joanes,	Capt. Saml Tallcot.

Deputies.

Mr Wm Pitkin, Cap. Caleb Stanly; for Hartford.
Capt. Jos. Fitch, Mr John Moore; for Windsor.

Capt. Moses Mansfeild, L^{nt} Abram Dickerman; for N. Hauen.
Capt. Jn^{o} Beard, M^{r} Sam^{ll} Buckingham; for Milford.
M^{r} John Burr, M^{r} John Wakeman; for Fayrefeild.
M^{r} Rich^{d} Blackleach, M^{r} James Judson; for Stratford.
M^{r} Thomas Yale; for Wallingford.
L^{nt} Nath. White, Ens. W^{m} Cheeny; for Midleton.
M^{r} Ephraim Minor; for Stoneington.
M^{r} Sam^{ll} Hoyte; for Standford.
M^{r} John Griswold; for Kenilworth.
M^{r} Tho. Seamo^{r}; for Norwake.
L^{nt} Ebenez. Jonson; for Derby.
M^{r} W^{m} Douglas, M^{r} Jn^{o} Morgan; for New London.
L^{nt} Ebenez. Stent, M^{r} W^{m} Malby; for Branford.

The Court being mett, the Gouerno^{r} informed the Court that the occasion of this meeting was that he receiued sundry letters from the Massachusets, and from Captain Leisler, of New York, and from Col. Pynchon, in which letters the sayd gent^{n} of Massachusets moued that there might be commissioners meet at Rhode Island on the last Munday of this moneth from this Colony and all the rest of the Colonys; 2. that we would take care to continue Capt. Bull at Albany, or if he be returned to send him or som other in his roome, with suitable forces to guard Albany, and to joyne with such others as shall be sent to inuade the French towards Cañedy; 3. Major John Pynchon manifested his desire to haue twenty or thirty men to scout and guard the upper plantations; 4. Capt^{n} Leisler, Capt. Adsell and M^{r} Pembrooke desired liberty of rayseing volunteers to goe to Canida and to secure Albany; M^{r} Leuingston allso moued the Court in the behalfe of Albany, that some forces might speedily be sent thither for the preseruation of that post and offending the enemie, (as by seuerall proposalls he gaue into the Court in writting will appeare.)* All which was con-

* Mr. Livingston had been commissioned by the convention at Albany to represent the state of affairs there to the Governor and Council of Connecticut, and to ask assistance; Doc. Hist. of N. Y., II. 97. He presented a memorial dated March 12, 1689–90, (War, II. 46, Doc. relat. to Col. Hist. of N. Y., III. 692,) which the Council promised should be taken into further consideration after they had heard from Massachusetts, (War II. 47, b.) Mr. Livingston's paper of proposals &c. to this session of the General Court should be in War II. 55; it is printed from another copy in Doc. relat. to Col. Hist of N. Y., III. 703.

sidered by the Court, and the Court did see a necessity of utmost endeauours to prevent the French of attacquing or setleing at Albany, and therefore did order that two foot companyes shall be with all speed raysed and sent to Albany, to take all opportunities and advantages against the enemie to destroy them. Capt^{n} Joseph Fitch was appoynted to be captain of one of those companies, and M^{r} Sam^{ll} Fozdike is appoynted l^{nt} of sayd company, and John Stedman, ensigne. The company is to consist of sixty foure English souldiers, besides officers, and so many Indians as will go forth with them, to the number of forty, which company is to be raysed out of the county of Hartford and New London. The other company is to be raysed in the countyes of Newhauen and Fayrefeild, and is to consist of sixty English and forty Indians, if so many Indians shall be found willing to goe, and Ebenezer Johnson is appoynted their captain, and Samuel Newton their l^{nt}, and Auger Tomlinson their ensigne. The companies to be raysed are so many volunteers as shall appeare, and the rest to be prest souldiers.

This Court findeing a necessity that money be raysed to carry an end the war and pay the souldiers that haue been at [210] Albany this winter, || and that something may be in a readinesse for that purpose, this Court doe grant and order that there be a rate of fower pence upon the pownd raised of all the rateable estate of the Colony, to be payd one halfe forthwith, and the other halfe at or before the last of Nouember next, to be payd in the same species and price as the rate granted October last was ordered to be payd in, onely there is a liberty granted to pay a fowerth part in beife well repact, at forty shillings p barell.

Forasmuch as the present dispensation of God's prouidence towards us in the war we are ingaged in with the French and Indians, and the effects thereof being uncertain, and what opportunities we shall haue to plant and sowe being uncertain, and allso the danger that may be of transportation to Boston, by reason of pirates, it is ordered by the Governo^{r} and Generall Court that there shall be no corn nor prouissions of any sort shiped on boarde any vessell in any porte of this Colony, to be transported out of this Colony, for the space of three moneths

from the date hereof, without speciall lycensse from the Governor or two Assistants, (in Fayrefeild county, Mr Gold and Mr John Bur,) upon the penalty of confiscation or forfeiture of all such corn or prouission as shall be found shipped or on board any vessell contrary to this order.

John Bowers is appoynted and approued to be leiutenant of Greenwich train band, and James Ferris, ensign, who are to be commissioned accordingly.

Mr John Bur is appoynted to be captain of Fayrefeild traine band, and Mathew Sherwood, leiutenant, and Mr Nathan Gold, junr, ensign of the sayd band, and they are to be commissioned accordingly.

Mr Samuel Collins is approued to be ensigne of Midleton traine band, by this Court, and is to be commissioned accordingly.

The Governor gau acco^t^ that the Generall Court in January last fayleing of meeting according to order, he saw a necessity of doeing somthing to preseru or standing, to send an address to his Ma^tie^, which could not be done but by an agent there, and no agent could be procured to serue us without money, and therefore the councill being called, with the aduice of the deputies present, did see cause to prepare and send an address to his Ma^tie^, and upon theire owne acco^t^ haue raysed upwards of fifty pownds to send, which is sent to their agent they haue appoynted and impowered to serue them in England on this occassion, which is to be answered within one yeare with just interest by those who haue engaged, unless the Generall Court see cause to take them off: This Court haueing considered the premises return the Governor and gentn their hearty thankes for what they haue done, and doe approue of the same, and engage that what they haue engaged shall be payd accordingly by the Treasurer out of the publique treasurie, and accordingly doe order the same.*

* The address to the king signed by Gov. Treat and Secretary Allyn, by order of the Council, dated January 3d, 1689, is in For. Correspondence, I. 39 a. A letter to James Porter, in England, of the same date, requesting him to act as agent for the Colony, instructions for the agent, and instructions to Capt. Cyprian Nichols, are in For. Corresp. II. 19–21. Mr. Porter replies, May 8th, 1690, that he can not act as agent, and suggests the employment of Sir Henry Ashurst, Mr. Mather and the other New England agents. id. 22, 23.

That there may be no faylure of obteyning what shall be necessary for the fitting out our souldiers for the defence of Albany and the present war, this Court recommends it to the select men and Assistants and com^{rs} in the seuerall plantations to moue their inhabitants to lend the Colony what prouissions or grayn or other estate they can affoard for the carying on of those affayres, upon the pub: fayth of the Colony to be repayd again in ten moneths, and that an acco^{t} be returned forthwith to the Governo^{r} or Councill what shall be so raysed.

Whereas the present occassion of the country doe call for us to put ourselues in a posture of war, and there seemes to be a necessity that there be a Councill of War stated and setled amongst us for the transactions of such occassions as shall necessarily call for to be attended in the vacancy of the Generall Court, this Court doe see reason to order and appoynt that the Governo^{r} and Dep^{t} Gou^{r}, with any of the Assistants as he or either of them shall call together, prouided there be two Assistants at least, shall be a Councill for the war, hereby fully impowered to act and transact all such occassions and affayres as shall be necessary to be attended betwixt this and the Court of Election May next.

[211] This Court haue upon the desire of Brandford, chose M^{r} Malbey and L^{nt} Stent to be commission^{rs} for Brandford, and they were sworn accordingly.

For the better mayntenance of the millitary watches throughout this Colony in times of danger, which is of so great importance, this Court doe order that all male persons whatsoeuer, except negroes and Indians, upwards of sixteen yeares of age, shall serue and doe duty equally on the millitary watch, whoe are resident on the place where such watches are to be kept, and that all male persons afoarsayd, inhabiting in this Colony, being absent at sea or elswhere, shall, by those of their famaly left at home, prouide a person to watch instead of the absent person or persons, and also that all widowes whose estates in the publique list amounteth to fifty pownds shall each of them prouide a man to watch in their steads, and if there be any old or impotent men that by such disability canot watch, if there estates in the publique list amounteth to fifty

pownds, they shall find a man to watch in their steads, prouided this order shall not extend to the Assistants, nor ministers, nor such impotent men as the respectiue commission officers of the sayd town judg uncapable of it, and who haue not estate of fifty pownds in the publique list, and that all defects on these millitary watches shall be punishable by the commission officers, or any one of them, in the same measure and maner as is by law prouided in the constables watches, and the commission officers in the exercise of their offices by commission are by this order freed from watching.

This Court appoynts the commission officers in each towne to list and appoynt euery seuenth man in each company to be a flyeing army of dragoones, to be listed under the officers appoynted by this Court in each county to lead them forth against the enemie, if any occassion should be. Derby, Danbury, Woodbury, Waterbury and Simsbury, are exempted from listing of dragoones.

And this Court orders that the townsemen shall prouide in each towne ten pownd of good bisket for euery dragoon that shall be appoynted in the seuerall plantations.

This Court grants the wages of such as shall goe forth in the present war to be as followeth; each priuate souldier, nine shillings a weeke; a captain, twenty fiue shillings p week; a leiutenant, eighteen shillings p weeke; ensignes, fifteen shillings p week; sarj^{t}, twelue shillings p week; corporalls, ten shillings p weeke; trumpeter, twelue shillings p weeke. The souldiers to be raysed out of each town by volunteers or press according to proportion. The indians that goe out in the seruice shall be allowed as the captaines shall agree with them, prouided they allowe not aboue twenty shilling p moneth.

This Court haue lent three gunns to New London, of those that are at Saybrooke; M^{r} Chapman and John Parker to choose three gunns, and when they haue a fortification ready at N. London, and a platform to set guñs on, they may choose three of the other gunns at Saybrook, and transport them to New London, who may keep them there till this present warr is ouer.

This Court orders that the fortifications in each towne ap-

poynted to be made be forthwith finished according to the appoyntment of the authority and commission officers and select men in each towne, and if any person or persons shall neglect to doe their proportions appoynted them as before, they shall forfeit ten shillings for euery defect, besides what their proporportion is worth the doeing of, to be forthwith distrayned by the constables and improued in the makeing of the fortifications.

This Court orders that the charge which shall be giuen to the millitary watch shall be as followeth, viz: that they shall charge the watch in his Ma^ties^ name that they faythfully attend the watch by walkeing or standing in such place or places where they may best discouer danger by the approach of an enemie, or by fire, which if they discouer they are to giue notice thereof by crying Fire, Fire, or Arme, Arme; they are allso to examine all such persons as they meet with unseasonably, and they are to command them to stand twice, and the third time to command them to stand upon their perill, but if they will not stand, but oppose them or fly from them, they may shoot at them, but to shoot low, unless they judg him to be an enemie, and then they are to shoot as directly at them as they may, and all such persons as they finde out unseasonably they are to examine them, and if they giue no good acco^t^ of their occassions they are to return them to the court of guarde to be secured till the morning, and then they are to carry them to the next authority to be examined and dissposed of according to law, and they are to giue the next watch notice to watch the night followeing.

Whereas the present occassions of the country doe call for us to put o^r^selues in a posture of war, and there seems to be a necessity that there be a councill for the war stated and setled amongst us for the transactions of such occasions as shall call for attendance in the vacancy of the Generall Court doe see reason to order and appoynt that the Governo^r^ or Deputy Governo^r^ and any of the Assistants, as he or either of them shall call together, prouided there be two of the Assistants at least, shall be a councill for the war, and are hereby fully impowered to act and transact all such occassions and affayres as shall be

necessary to be attended betwixt this and the Court of Election May next.

A Commission for o^r^ Commissioners.

This Court reposeing speciall confidence in the fidelity, prudence and wisedome of you A. B. and C. D. have and doe appoynt you to be their Com^rs^, to meet with such Com^rs^ as shall be appoynted by the other Colonyes and Prouinces, and doe meet at Rohd Island or elswhere on the last Munday of this [212] moneth, or any convenient time || before or after, and there to consult and contriue the best way and meanes to make and fram a designe against the French and Indians of and belonging to Canada, for the attacquing that place and destroyeing the same, or bringing them to obedience to the English crown; and we doe impower you upon o^r^ acco^t^ to engage that what shall justly fall to be our proportion of men and money, you shall agree upon with those that shall agree w^th^ you improued upon this designe, it shall be prouided and imployed by vs and carryed on according to our best ability, allwayes prouided that necessary ammunition be procured and affoarded to us by the other Colonyes for o^r^ pay. We allso doe appoynt you to take speciall care that our souldiers be under the command of o^r^ own officers, whoe shall be commissionated by us, and they shall be under no other commanders whatsoeuer except the cheife feild officers. Finally we doe leaue it with you to agree and conclude of whatsoeuer shall be necessary for the frameing and carrying on a war against o^r^ French and Indian enemies at Canada, and shall performe our part thereof as we are able, allwayes prouided what charge shall be layd vpon vs for the manageing of the sayd war shall be o^r^ just proportion of the same according as it shall rise by the number of poles.

The officers for the dragones that are to be raysed are John Mawdsly, captaine; M^r^ Ciprian Niccols, l^nt^; John Wyott, ensign, for Hartford county.

John Miles, capt^n^; Siluanus Baldwin, l^nt^; Steuen Bradly, sen^r^, ensign, for New Hauen county.

James Morgan, capt.; Ephraim Palmer, l^nt^; Tho. Watterman, ensign, for New London county.

Mathew Sherwood, capt^n^; James Judson, l^nt^; Dauid Waterbury, ensign, for Fayrefeild county.

A Commission giuen to Captain Ebenezer Johnson.

This Court haueing ordered and appoynted you to be captain of a company that is to goe forth against the enemie, and for

securety of the county and city of Albany, for his Ma^ties^ interest, there being sundry souldiers already who haue listed themselues for that seruice, as we are informed, These are to appoynt you to make what hast you can to those plantations of the sea side, and to enforme the sayd volunteers that the Generall Court hath appoynted you to be their Captain, and Samuel Newton to be their Liuctenant, and Auger Tomlinson to be their Ensigne, and that you will take care and charge of them to lead them out against the enemie, and that your commissions shall be sent after you to the sea side speedily, that so you may proceed w^th^ the best expedition you may, and you haue liberty to rayse of English to the number of sixty, of Indians not aboue forty in all, which you are to rays as you may by volunteers, so far as you can, and the rest by press, and you may expect that for your encouragement you shall haue besides wages the benifit of what you shall obteyn of plunder, and all smiths in those plantations of the sea side are hereby required to apply themselues to mend such armes as shall be brought to them which are to be imployed in this expedition. These souldiers are to be raysed in the countyes of Newhauen and Fayrefeild.

A Court of Election held at Hartford, May 8th, 1690.

Those to stand for nomination for election are,

Col. Robert Treat, M^r^ James Bishop, M^r^ Samuel Willys, Major Nathan Gold, Major John Winthrop, M^r^ W^m^ Joanes, L^nt^ Col. John Allyn, Capt^n^ Andrew Leet, Capt^n^ James Fitch, Capt^n^ Sam^ll^ Mason, Capt^n^ Sam^ll^ Tallcott, M^r^ John Burr, M^r^ Dan^ll^ Witherle, M^r^ Henry Wolcot, M^r^ Nath. Stanly, Capt. John Stanly, M^r^ W^m^ Pitkin, M^r^ Jehu Burr, Capt. Moses Mansfeild, M^r^ Thomas Trowbridge.

These were chosen.

Rob. Treat, Esq^r^, Gov^r^.
James Bishop, Dep^t^ Gov^r^.

Assistants.

M^r^ Sam^ll^ Willys,	Capt. Sam^ll^ Mason,
Maj^r^ Nath. Goald,	Capt. Sam^ll^ Tallcott,
M^r^ W^m^ Joanes,	Capt. John Burr,
L^nt^ Col. John Allyn,	M^r^ W^m^ Pitkin,
Capt. Andrew Leet,	M^r^ Nath. Stanly,

Capt. James Fitch, Mr Dan[ll] Witherly.*
Lnt Col. John Allyn, *Secry.*
Mr Joseph Whiting, *Treasurer.*

[213] *The Deputies are,*

Mr Ciprian Niccols, Captn Caleb Stanly; for Hartford.
Captn Moses Mansfeild, Lnt Abram Dickerman; for New Hauen.
Capt. Robt Wells, Lnt John Butolph; for Weathersfeild.
Capt. Wm Lewes, Capt. John Stanly; for Farmington.
Lnt Nath. White, Ens. Wm Cheeny; for Midleton.
Lnt Benj. Brewster, Lnt Tho: Leffingwell; for Norwich.
Mr Jno Moore, Mr Return Strong; for Windsor.
Ephraim Minor; for Stonington.
Samuel Hoyte; for Standford.
Lnt Eli: Stent, Mr Wm Maltby; for Brandford.
Mr Josia Rossiter, Deacon Wm Johnson; for Guilford.
Joshua Holcom; for Simsbury.
Christo: Comstock, Sam[ll] Smith; for Norwalk.
Mr John Chapman, Deacon Wm Dudley; for Saybrook.
Capt. Jos: Scill, Ens. Jos: Peck; for Lyme.
Mr James Auery, Mr John Morgan: for New London.
Capt. John Beard, Mr Sam[ll] Buckingham; for Milford.
Joseph Arnol; for Haddum.
Lnt John Stanly; for Waterbury.
Mr Jos: Curtice, Mr. Jos: Niccols; for Stratford.
Mr John Wakeman; for Fayrefeild.

Whereas there is seuerall sumes of money due from the country to seuerall persons in cash, that those debts may be payd, the Treasurer is hereby desired to take care to transport to the market, upon the risque and venture of the country, so much of the prouissions that are or shall com under his order, for the procureing of cash to answer the debts afoarsayd.

Whereas Samuel Fayrebancks hath taken upon the countrys credit more then his wages comes to, this Court desires and impowers the Treasurer to pay it, and to endeauour to

* The last four on the list were chosen in the room of John Winthrop, not re-elected, Mr. Wadsworth, deceased, (inventory dated Nov. 6th, 1689,) Mr. Newberry, who died Sept. 11th, and Mr. Hamlin, who died Sept. 1st, 1689.

obtayn the money due from Fayrbanckes, if he can gayn it in any good way.

Wheras there hath been inconveniencies attended the selectmen of Stoningtons denyeing the constable of sayd town there list of estates, whereby they haue prevented the sayd constables gathering the sayd rate; This Court, considering the premises, doe order that forthwith they, the sayd Mr Nehemia Palmer, Mr Thomas Stanton, Mr Moses Palmer, Mr Ephraim Minor, and Mr John Denison, doe return the list of that townes estates that was presented in Court October last, and deliuer it to Mr John Holand, which if they refuse, they are, by a warrant sent to them for that end by the Secry, to be sumoned to appeare at the Court of Assistants to answer for their contempt herein.

These were made Comrs for the year ensueing.

Mr Henry Woolcot and Mr John Moore, for Windsor; Capt. John Chester, for Weathersfeild; Capt. Wm Lewes, Capt. John Stanly, for Farmington; Ensigne Tho. Judd, for Waterbury; for Midleton, Lnt Nath. White, and Mr Wm Cheeny; for Haddum, Lnt Georg Gates; Mr Benjamin Brewster, for Norwich and Preston; for New London, Captn James Auery, and Mr Richard Christophers; for Lyme, Mr Mathew Griswold; for Saybroke, Mr Nath. Lines, and Deacon Wm Dudley; for Kenilworth, Lnt Henry Crane; for Brandford, Stent and Mr Maltby; for Milford, Captn John Beard; for Wallingford, Mr Tho. Yale; for Woodbury, Captn John Minor; for Derby, Captn Johnson; for Stratford, Mr Joseph Hawley, Captn Wm Curtice, Mr Jeremy Judson; for New Hauen county, Mr Tho: Trowbridg; for Fayrefeild, Mr. Jehu Bur; for Norwalke and Danbury, Mr Tho. Fitch, and James Olmsteed; for Stanford, Captn Jonath. Silleck, and Lnt Jonath. Bell; for Greenwich, Mr John Reinolds.

Samuel Riggs is approued by the Court to be Ensigne of Derby traine band, and is to be commissioned accordingly.

Jonathan Tracy is chosen Lnt, and John Parke, Ensigne of Preston traine band, and are to be comissioned accordingly.

The traine band of New Hauen being diuided into two companyes, and Captn Moses Mansfeild and Lnt Abram Dicker-

man doe continue in their places by former prouission and commission they haue receiued, and the Court now confirmes Nath. Andrews, Ensigne of sayd company, under Capt. Mansfeild, and [he] is to be commissioned accordingly.

This Court doe approue of John Miles to be Captain, Daniel Sherman, Liutenᵃᵗ, and John Sackett, Ensign of a traine band in New Hauen, who are to be comissioned accordingly.

This Court doe approue of John Graue, senʳ, to be Captⁿ, and Steuen Bradly, senʳ, to be Liuetenant, and Abram Fowler to be Ensigne of Guilford traine band, whoe are to be commissionated accordingly.

Whereas the inhabitants of the towne of Weathersfeild, on the east side of Conecticot Riuer, by the consent of the inhabitants of sayd towne, did petition this Court to be a township of themselues, on the east side of Conecticut Riuer, and may haue liberty to prouide a minister for themselues, which the towne haueing granted to their neighboures on the east side, this Court see reason to grant their petition, but aduise them to be cautious how they improue it, and that they shall pay their full proportion to all publique charge to Weathersfeild till they shall haue a good orthodox minister setled amongst them on the east side of Conecticutt Riuer in Weathersfeild.

[214] John Higly is allowed Lᵘᵗ, and Tho: Barber, Ensigne of Simsbury traine band, and are to be commissioned accordingly. Joseph Strickland is sworn Clerk of sᵈ band.

Mʳ Samˡˡ Willys and Major Nathan Gold are by this Court desired and appoynted to return the thankes of this Court to the Reuerend Mʳ James Perpoynt, for his great paynes in preaching of the election sermon before this Court, on the 8th day of this moneth, and Mr. Joans to desire a coppy of the same that it may be printed.

John Prat is plntf by way of appeale from the Court of Assistants, October 15, 1699,* and John Sad, in right of his wife, defendant, which action was an action of the case (originally,) for unjust possessing and detaining seuerall parcells of

* An error in the original for 1689. There is no record of any Court of Assistants from October, 1687, to May, 1690. "The wast book containing the records of the Court of Assistants holden at Hartford, in October, 1689, (if any Court was then held,) can't be found." Note by Caleb Stanly, junior. Rec. Court of Assist., II. 4.

land wth houseing, together wth the *product or proffit ariseing therefrom*,* amounting to twelue pownds sixteen and nine pence, damag. In this action the jury find for the defnt cost of court. This Court, haueing considered the case depending between John Prat, plntf, and John Sad, in right of his wife, defendant, doe find that the plaintife shall keep possession of his grandfathers land, there being a full thirds of all the sayd lands his granfather dyed posest of, layed out for the widow of his father, and that allso he take sufficient care to pay the legacies to his sisters, according to the will, and the defendant to pay the costs of this court onely.

This Court by their vote ordered that one hundred and thirty fiue English should be made up with those allready gon forth to goe to Albany, there to secure the place, and to take all advantages to destroy the enemie. It was allso ordered that so many indians as shall present themselues to go forth in this seruice as will make up their number two hundred, shall be imployed in it.

Mr James Auery is appoynted Leiutenant of those forces to goe out on the Kings seruice under comand of Captain Joseph Fitch.

Mr Richard Blackleach is chosen Comissary for the army to be at Albany.

Captain Caleb Stanly is chosen Comissary for the county of Hartford.

Mr Richard Christophers is chosen Comissary for the county of New London.

Mr John Winston, junr, is chosen Comissary for the county of New Hauen.

Mr Dan. Burr is chosen Comisary for the county of Fayrefeild.

This Court upon the request of Captain Harris, of Midleton, doe release him from his commission of captain, and grant the traine band priuiledg and liberty to choose a new captain for the sd company.

Thomas Allyn is chosen and allowed captain of a trayn band in Windsor, and Timothy Phelps, lut, and Joseph Griswold,

* These words are crossed out in the record.

ensign of Windsor train band, and are to be commissionated accordingly.

Jonathan Bull is allowed to be captain of a traine band in Hartford, and Mr Ciprian Niccols lnt of sd company, and Jacob White, ensigne of sayd company, and are to be commissionated accordingly.

Mr Richard Williams is chosen and allowed Captain of the dragoones in New Hauen county, and is to be commissionated accordingly.

This Court doe order and appoynt that the commisaries in the seuerall countyes in this Colony doe take care that or souldiers as they haue occasion to march thorough these plantations, that they be comfortably quartered, and that necessaries both of prouission and cloathing, be prouided for the sayd souldiers, prouided that no one souldier shall take up aboue six weeks in goods or merchandize upon accot of his wages, and that euery comisary shall, at least once in two moneths, send a true accot of their disbursments to the seuerall and perticular souldiers up to the Treasurer.

[215] May 13. This Court orders that all officers and souldiers that are to goe out in the expedition under command of Joseph Fitch shall be ready to march from Hartford on Munday com seuennight.

This Court appoynt the Governor, or Deputy, and Assistants that shall conveen together, prouided allwayes ther be two Assistants, to be a Councill for the war, and to manage, act and transact all such necessary occasions as shall be necessary to be attended in the vacancy of the Generall Court till the court shall order otherwise.

This Court granted John Parker an addition of fiue pownds to the ten pownds was formerly granted to him for his seruice in the forte at Saybrooke.

Whereas this Court did formerly by their vote agree that or souldiers should be on their march to Albany on Munday seuennight, now hearing that or company that is neer Albany, one of them allready is infected with the small pox, and that or souldiers are at present very unwilling to march under the conduct of a major appoynted by Captain Leisler, especially

seing it is concluded that Jacob Milborn will be the man, and not knoweing when the Bay souldiers will be ready to march: This Court doe see cause to order that a letter be prepared and sent to Boston, to know the estate of their affayres there, and when their souldiers will be ready to march from Westfeild, and allso whoe they are willing to be the major of the *major of the* forces, with what els shall be necessary to acquaint them with o^{r} affayres, and that o^{r} souldiers do not moue from their respectiue places till we hear farther from Albany.

This Court doe allso order that a uessell be forthwith sent from the sea side to Albany with prouission for the army, and that M^{r} Thomas Strowbridg, M^{r} Josiah Niccols, M^{r} Joseph Curtice, and M^{r} Richard Blackleach, or any three of them, doe take care and order the same, and they are hereby impowred accordingly.

This Court being informed that Abell Moore, deceased, left his estate nonsoluant, and that it will be necessary to sell land to pay the sayd just debts that are due from his estate, it apearing to be so, this Court doe grant and impower the administrators to make sale of so much of his lands as is necessary for the end afoarsayd.

This Court according to aduice publiquely giuen haue seriously considered to doe what duty requires of them to lay a good foundation for the setlement of a pious, able ministry amongst vs, and to grant them suitable mayntenance, and haue proceeded in it, though not yet come to a full conclusion, yet being unwilling such a good work should fall under their hands, doe desire and appoynt M^{r} Willys, M^{r} Pitkin, Capt^{n} Caleb Stanly, Capt^{n} John Stanly, Capt^{n} Mansfeild, and M^{r} John Moore, to consider of the bill allready prepared, and perfect the same, with the best aduice they can get, and present the same to this Court in October next.

This Court for the present and till farther order grant Waterbury twelue pence a bushell for what of the country rate they shall transporte to Hartford or New Hauen.

This Court orders that Watterbury brand for horses shall be the letter R thus made $\overline{\text{R}}$.

Whereas this Court in the time of New Englands calamaty,

the last Indian war, being then under the sence of the Lord's displeasure against vs for the sins of the land, made diuers and sundry good and wholsome lawes for the suppression of vice, and incouragment of vertue, in hopes of thorow reformation of those God prouoakeing euills bewayled by all good men, and whereas the sayd Court afterwards, about the year 1684, for the farther inforcement of those lawes did make after orders, directiue to all inferior officers and ministers of justice, for the due execution of the sayd lawes, we finding to or sorow that instead of the reformation sincerely aymed at, vice and coruption of maners, in most places rather abound and increase more then cuer, and fearing if the Lord in his mercy and soueraigne grace prvent not, we may at length proue an incorageable people, and so a generation of his wrath, without remedy, ripened for deserued desolation, which we are now again seuerall wayes, obvious to all, by cruell war and sicknesse threatened with, doe therefore in the feare of God, one more not onely recommend it to all the magistrates and commissioners of the colony in theire seuerall plantations, that all the sayd lawes be duely, constantly and impartially executed, but allso to that end doe order and enjoyne all the selectmen, constables and grand jury men in the seuerall plantations, carefully to attend the sayd orders of 1684, in a dilligent inquiry into and presentment of all such breaches and transgressions of the sayd reformation lawes and other good and wholsome lawes of this Colony, that so our goverment and rulers may be a teror to euill doers as in or first times, and the Lord may yet tak pleasure in us as his people; and farther we doe solemnly recommend it to the ministers of or God in their seuerall places, by their holy labours, to farther what in them lyeth this great work of reformation in a due witness-bearing against the sins and groweing euill of the times, wherein we haue no reason to doubt of their forwardness in godly seale, and hope the Lord will be with them and us therein.

Wheras some of Paquanage haue petitioned this Court that they might haue liberty to procure a minister amongst themselues and be freed from payeing to the minister of Fayrefeild;*

* The petition of the inhabitants of Poquannock, to which forty-six names are attached, is, with various other papers relating to that place, in Ecclesiastical, I. 105–130.

the Honord Major Gold and Mr John Wakeman objected that [216 they had no notice of their applyeing themselues || to this Court, and so not prouided to say what they haue to say in the case, and Lnt Bennet not makeing it appeare that the inhabitants of Paquanage haue impowred him to petition in their behalfe, the Court see no reason to proceed any farther in the business at this time, but doe recommend it to the towne of Fayrefeild and the people of Paquanage to meet and loueingly discourse together about the matter, and labour to agree about this matter, that those of Paquanaug, if it can be with any comfort with the good agreement and freindly concurrance of Fayrefeild, haue liberty to prouide for themselues that they may be eased of their great labour and trauell, and this Court will be ready to grant what shall be reasonably desired from them to confirm or ratify what shall be mutually agreed upon.

This Court observing that notwithstanding the former orders made for the eudication of children and seruants, there are many persons unable to read the English tongue, and thereby uncapeable to read the holy word of God, or the good lawes of the Colony, which euill, that it grow noe farther upon theire Maties subjects here, it is hereby ordered that all parents and masters shall cause theire respectiue children and seruants, as they are capeable, to be taught to read distinctly the English tongue, and that the grand jury men in each towne doe once in the year at least, vissit each famaly they susspect to neglect this order, and sattisfy themselues wither all chidren under age and seruants in such suspect famalyes can read well the English tongue, or be in a good procedure to learn the same or not, and if they finde any such children and seruants not taught as theire yeares are capeable of, they shall return the names of the parents or masters of the sayd children so untaught, to the next county court, where the sayd parents or masters shall be fyned twenty shillings for each child or seruant whose teaching is or shall be neglected, contrary to this order, unless it shall appear to the sattisfaction of the court that the sayd neglect is not voluntary but necessitated by the incapacity of the parents or masters, or theire neighboures, to cause them to be taught as afoarsayd, or the incapacity of the sayd children or seruants to learne.

This Court considering the necessity and great advantage of good literature, doe order and appoynt that there shall be two free schooles kept and mayntayned in this Colony, for the teaching of all such children as shall com there, after they can first read the psalter, to teach such reading, writeing, arithmetick, the Lattin and Greek tongues, the one at Hartford, the other at New Hauen, the masters whereof shall be chosen by the magistrates and ministers of the sayd county, and shall be inspected and agayn displaced by them if they see cause, and that each of the sayd masters shall haue annually for the same the sum of sixty pownds in country pay, thirty pownds of it to be payd out [of the] country treasury, the other thirty to be payd in the schoole reuenue giuen by perticuler persons, or to be giuen to that use, so far as it will extend,* and the rest to be payd by the respectiue townes of Hartford and New Hauen.

This Court considering the necessity many parents or masters may be under to improue their children and seruants in labour for a great part of the yeare, doe order that if the towne schooles in the seuerall townes, as disstinct from the free schoole, be, according to law allready established, kept up six moneths in each yeare to teach to read and wright the English tongue, the sayd townes so keeping their respectiue schooles six moneths in euery yeare shall not be presentable or fineable by law for not haueing a schoole according to law, notwithstanding any former law or order to the contrary.

Whereas for the incouragement of husbandry and the preseruation of the fruits of the feild, sundry good lawes and orders haue been enacted by our Generall Court, and sundry sorte of officers thereby directed to be annually chosen and sworn, as fence veiwers, haywards, and suruayors of the high

* William Gibbons, of Hartford, upon Connecticut, yeoman, who died in 1655, by his last will devised about thirty acres of meadow and upland in Penywise, in the town of Wethersfield, "towards the mayntenance of a lattine schoole in Hartford." This I presume was the first legacy for educational purposes in Connecticut. Under a town vote, passed Jan. 8, 1756, this land was let out on a long lease, but the nominal fee is still in the Trustees of the Hartford Grammar School. John Talcott, who died in 1660, left a small bequest for the purpose contemplated in Mr. Gibbons' devise. The noble benefaction of Governor Hopkins, which the towns of Hartford and New Haven have enjoyed for more than two centuries, is more fully commemorated elsewhere than could be done in this note.

wayes, notwithstanding such lawes and solemne sanctions [217] aded for due || performance, it is obserued there hath been to much neglect of due execution: This Court doe therefore recommend it to the select men and grand-jury men in each plantation of the Colony to take due cognizance of such as so neglect, and make due complaynt thereof to the authority, and that euery such fence veiwer, hayward, or survayor of the high[way], being lawfully convicted before the authority, shall be fined to pay ten shillings for euery such neglect, fiue shillings to the towne treasury, and fiue shillings to the prosecutor.

It is ordered by this Court and the authority thereof, that when any defects are fownd in comon fences, the fence veiwers shall giue the owners notice thereof to repayre the sayd defects, and if they shall neglect to doe the same more then twenty fower houres after such notice, the fence veiwers shall, by themselues or some meet person or persons, repayre those defects in sayd fences, and shall by warrant from some of the authority leuy so much of the estate of *of* the owner of sayd fence as may answer to the charge with so much more, all which is to be to the fence veiwers for their labour and charge afoarsayd.

The Court is adjourned till the Gouernor or Deputy Governor see cause to call them againe.

A Generall Court held at Hartford, October 9th, 1690.

Robt. Treat, Esqr Govr,	Capt. James Fitch,
Mr Samuel Willys,	Mr John Burr,
Lnt Col. John Allyn,	Mr Wm Pitkin,
Mr Wm Joanes,	Mr Nath. Stanly,
Captn Andrew Leet,	Mr Daniel Witherly.

Deputies.

Capt Cip. Niccols, Deacon Steph. Hosmor; for Hartford.
Mr Henry Woolcot, Mr John Moore; for Windsor.
Capt. Robt. Wells, Mr John Buttolph; for Weathersfeild.
Capt. Nath. White, Mr John Hamlin; for Midleton.

Deacon John Hall; for Wallingford.
Mr Josiah Roseter, Capt. John Graue; for Guilford.
Mr Nehe. Smith, Mr Wm Douglass; for New London.
Capt. John Stanly, Ensign Tho. Heart; for Farmington.
Capt. Eben: Johnson; for Derby.
Mr Tho. Clarke, Ens. Sam. Newton; for Milford.
Capt. John Stanton; for Stonington.
abs. Lnt Benj: Brewster; Lnt Tho. Leffingwell; for Norwich.
Capt. Moses Mansfeild, Capt. John Miles; for New Hauen.
Mr Abram Ambler; for Standford.
Mr John Chapman, Mr Wm Dudley; for Saybrook.
Mr Samll Hawley, Mr Ephraim Stiles; for Stratford.
Ens. Tho: Judd; for Waterbury.
Lnt Eliez. Stent, Mr John Frizby; for Brandford.
Capt. Joseph Scill, Mr Wm Ely; for Lyme.
Lnt Georg Gates; for Hadum.

The list of the persons and estates of the seuerall townes in this Colony.

persons.	*ll.*	*s.*	*dd.*	*persons.*	*ll.*	*s.*	*dd.*
307 Hartford,	19102	00	00	095 Saybrook,	05709	00	00
322 New Hauen,	15559	00	00	089 Stoneington,	05462	00	00
279 Windsor,	15675	00	00	127 Stratford,	09029	00	00
093 Farmington,	06632	00	00	222 Fayrefeild,	11198	00	00
109 Norwich,	06395	00	00	074 Lyme,	04266	00	00
037 Waterbury,	01893	00	00	232 Wethersfield,	14229	00	00
076 Wallingford,	03909	00	00	064 Brandford,	03579	00	00
108 Guilford,	06606	00	00	182 New London,	09109	00	00
093 Norwalke,	05106	00	00	Kenilworth,			
170 Milford,	10075	00	00	059 Simsbury,	03220	00	00
111 Standford,	05158	00	00	069 Haddum,	02821	00	00
120 Midleton,	04899	00	00	046 Woodbury,	02093	00	00
062 Greenwich,	02911	00	00	——			
039 Derby,	01337	00	00	3185			

Mr John Blackleach is pltf by way of appeal from the judgment of the Court of Assistants, October 2, 1690, which action was an action of the case for that the sd present pltf did not fullfill his promise or agreement dated May 14, 1688, concerning shipping certain quantities of suger and malasses from the

West Indies for England on acco^{t} of sayd Jeofferies, by which his neglect or faylure he hath broken or forfeited his bond of one thousand pownd to the damages of the abouesayd sume, *to the damages of the abouesayd sume;* in which action the [218] Court of Assistants fownd for the defendant ‖ one thowsand pownds of money of New England according to bond. In this action the Court find for the defendant, M^{r} Jeofferies, fiue hundred fifty fiue pownds fiue shillings and ten pence and cost of court, to be in curant money of New England, and this court 2 dayes attendance.*

Whereas John Drake of Simsbury, deceased, and John Slater, had made change of some lands which were in that towne, and sayd Drake deceassed before he gaue his dead, Slaughter haueing giuen his deed, this Court impowers the administratrix to signe and confirm a deed of the sayd lands her husband exchanged with Slaughter, to him and his heires and assignes foreuer.

M^{r} Samuel Woolcot, Benjamen Gilbert, and Sam^{ll} Smith, being complayned of for neglecting to make and perfect the list of their towne for the court, this Court haueing heard what hath been objected against [them] and their returnes, doe find that they are guilty of breach of law therein, and therefore doe adjudge them to pay a fine of forty shillings a peice to the publique Treasury for the same forthwith.†

And whereas sayd Benjamen Gilbert hath opposed the constable, tore his neckcloath and abused him, and put him to charge to watch and guard him, this Court doe order that he be sent to prison, there to be continued during the pleasure of the Court.

And Samuel Smith, for his denyeing the gouerment and sediciously speaking it in the face of the Court, is adjudged to giue in forty pownd for his good behauio^{r}, or be secured till he doth the same, and that he the sayd Gilbert pay to the constable, for his cost and charges in bringing of him to the Court, and those that tended him, fifteen shillings.

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* *In the margin.* "This judgm^{t} is discharged by a bond bearing date Nov^{br} the 11th, 1690. Recorded in the Publick Records, Book Numb. D. fol. 210."

† *In the margin.* Ens. Sandford payes for M^{r} Woolcot, 40 s. and for Benj. Gilbert, forty shillings.

This Court doe appoynt Ensigne John Chester, Quarter Master Bowman, Sargt Samll Hale, with Nathaniel Foot, to make and perfect the list of the estate of the towne of Weathersfeild, and to present the same to the Court Wednesday next, or to the Secretary; and such as shall neglect or refuse to giue in their lists, they are to gaine the best knowledg of their estates they can, their lands by the records and their stocks by their veiw or neighboures, and to rate them according to custome.

Mr Israel Curtice is by this Court confirmed Lnt, and Mr Stiles, ensign of Woodbury traine band, and are to be commissionated accordingly.

Mr Wm Maltby is confirmed Ensigne of Brandford train band, and is to be commissionated accordingly.

Captain White is confirmed Captn of Midleton traine band, and is to be commissionated accordingly; and by reason of some disgust or various apprehensions about the choys of a leiutenant, this Court grant them liberty to goe to a new choyse of a lnt, wherein all freedom is to be attended.

Nath. Foote, as attourney to James Wakely of Rhode Island, weauor, by way of appeale from the judgment of the Court of Assistants, held at Hartford, May 27, 1690, which action was a plea of the case sur trouer and conuersion, for that he the sayd Stanly, on the 6th of Septr, in the 35th year of the reigne of or soueraign lord Charles the 2d, late King of England, &c. did take into his hands and custody a certain sume of money with other goods and chattells, to the value of 107*l*. 19*s*. 4*d*. specifyed in an inventory exhibited by the sayd Nathaniel Standly to the County Court held at Hartford, Septr 6, afoarsayd, under the name of an inventory of the estate of Alice Wakely, deceassed, which sume of money and other goods and chattells afoarsayd were the proper goods and personall estate of him the sayd James, which goods the sayd Nath. Stanly hath refused to deliuer or the value of them to him the sayd James Wakely or his attourney, to the value of 146*l*. In which action the jury fownd that if the deed of gift from Wakely to his wife be good in law, then they find for the present plntf one hundred and ten pownd and cost of court. The

Court haueing considered the case doe declare the deed good and grant judgment according to the verdict. This Court, haueing heard and considered the case with the please and cuidences belonging thereto, doe find for the present plntf [219] ninety pownds and cost of court, || three dayes attendance, six shillings. This Court appoynts Deacon Hosmor, Mr Nath. Borman, and Thomas Bunce, to apprize what estate shall be payd upon the afoarsayd judgment, they or any two of them agreeing, to set the price upon it.

This Court doe grant Mr Isack Hall for his seruice wth the souldiers as their chyrurgion, the sume of thirty pownds, and for his sons seruice ten shillings p week the time he was in it, and forty shillings to clear his charges in the house.

This Court grants Mr Chancy twenty shillings p week for being chaplin to the army the time he was out.

This Court grant to Euen Dauy ten pownd for his keeping of prison from his enterance to May next.

This Court doe allow James Westwood for his attending Samll Williams, who was sick of the small pox, two shillings a day and his dyet, twenty six dayes, fifty two shillings, and for his washing his cloathes and clearing the house, fower shillings.

This Court being presented with a bill of twenty eight pownds thirteen shillings, which by some who say they were arbitrators, haue awarded Captn Fitch to pay unto Ebat Ryder, and the sayd Captn Fitch haueing charged the bill upon Commissary Blackleach, the Court haueing considered the same doe see no reason to concern themselues in the payment of the sayd bill, but leaue it with the persons that haue done the damage to answer for it.

Capt. Jonathan Bull presenting to this Court that seuerall constables in the plantations, as Greenwich, Standford, Norwalke, Farmington, Waterbury, Simsbury and Windsor, haue not payd their rates according to their order, by reason of which seuerall officers and souldiers that were imployed in their Maties seruice for the defence of the country, remayne unpayd; this Court doe order that all the sd constables or other officers that haue moneys in theire hands that belong to Sr

Edmund Androsse, late Governo^r, doe gather their sayd sum̃s and giue acco^t to o^r Treasurer what the sayd sumes are that are due from them; by the last of January next, this to be done.

This Court doe order that when the Generall Court, or Court of Assistants, or County Court, haue passed judgment upon any bill, or bond, and judgment is entered in sayd court, and no appeales or reveiw is granted, the clerk or secret^ry of the sayd court shall endorce upon the sayd bill or bond these words: Judgment is granted and entered upon this bond or bill in such a court and time.

This Court granted a rate of fower pence upon the pound upon all the rateable estate in the Colony, in the same specia and price as the rate granted October last, saue onely there is liberty to pay a fowerth parte in beife, at forty shillings p barell, well repact; and whereas some poore men are incapacited to pay their rates in wheat, it is left with the constables to take it in indian corne of such, at the price of two shillings six pence p bushell, to defray country charge.

This Court haueing heard M^r Richard Edwards' petition, and his pleas for a diuorce from his wife Elizabeth, and considered the same, doe declare they doe not find reason to grant his petition.

Whereas this Court hath considered the present necessity of the Colony to be supplyed with some ammunition, they doe order that the wheat, indian corne and porck, that was sent from Hartford to New Haven, be imployed and dissposed for the procureing of ammunition, and it is left with the Governo^r and gent^n in New Hauen to imploy some suitable person or persons to disspose of the sayd prouission in the best way they can, and to procure ammunition for the same; and they are to diuide the sayd powder according to the list of estates, to the seuerall countyes, and send the same to the county townes to diuide it among the townes in their county, by proportion, according to their estate.

Capt^n James Fitch, M^r W^m Pitkin, M^r John Bur, or M^r Joseph Bastard, and Capt. Moses Mansfeild, were chosen to audite the countries acco^t w^th the Treasurer, they or any three of them.

The Court granted the troopers for their seruice as followeth: euery priuate trooper, two shillings and six pence p day; captaines, fower shillings p day; a lnt, three shillings six pence p day; a cornet and quartermaster, three shillings p day; trumpeters, two shillings nine pence; and corporalls, two shillings and nine pence p day.

Whereas Kenilworth hath neglected to present there list to this Court according to order, this Court doe order and appoynt that Lnt Henry Crane and John Griswold and Samuel Buell, or any two of them, forthwith take a list of their persons and estates, according to law, and the same to send up to the Secretary, of which you may not fayle to doe in the space of a moneth, and if any refuse or neglect to giue in their lists, they are to use their best endeauoures to come at theire lists what it is, and to perfect the same by their best discresion.

This Court doe apoynt Major Gold, Mr John Bur, Mr Joseph Bastard, Capt. Ebenez. Johnson, to be a comittee *to* examine and audit Comisary Blackleach his accompts with the country, the best way and as soon as may be, they or any 3 of them.

[220] This Court haueing heard and considered a narratiue from the Honble Major Generall John Winthrop, of his proceedings with the army from Albany towards Canida,* against the French and their adherents, and the reasons of his proceeding noe farther then the Houtkill or Wooden Creek, in that designe, with the euidences.confirming the sayd naratiue, doe declare that theire sence of the sayd Major Generalls management of the sayd affayre is that his conduct therein hath been with good fidellity to their Maties interest, and that his confinement at Albany on the accot thereof deserues a timely vindication, as being very injurious and dishonourable to himselfe and the Colonyes of New England, at whose instance he undertook that difficult seruice; and this Court doe order the Honord Capt. James Fitch and Capt. Daniell Witherell, in the name of this Court, to return his Honour the thankes of this Court, for his good seruice to their Maties and this Colony, and to assure him that on all seasonable occassions they will be

* Major General Winthrop's Journal of his march from Albany towards Canada, is printed in Documents relat. to the Col. Hist. of New York, IV, 193.

ready to manifest their good resentments of his fidelity, valour, and prudence, allready manifested, and help farther promised, if occasion require. Allso this Court order that the Treasurer shall pay to the Major Generall Winthrop the sume of forty pownds for his good seruice done in the expedition afoars^{d}, which this Court desires his Hon^{r} will accept as a farther testimony of their good acceptance of and thankfullness for his good seruice.

The Court by their vote granted one hundred pownds to the Gov^{r} for his salery for this present year, and to the Dep^{t} Gov^{r} twenty pownds, and to M^{r} Joanes, fifteen pownds. To the Secret^{r}y, twenty fiue pownds. To the Treasurer, thirty pownds. To the Marshall, fifteen pownds.

Whereas complaint hath been made to this Court [by] the deputies of New London on behalfe of that towne, and the same confirmed by the information and testimony of the Honored Capt^{n} Fitch and M^{r} Wetherell, that one John Leuin, of New London, deceased, haueing made his last will and testament, and therein named and appoynted Alice Leuen, the widow and relict, Major Generall John Winthrop and Edward Palmes, executors, in which will a considerable legacy of about 40*l.* p annum value is giuen and bequeathed by the sayd testato^{r}, for the use of the ministry of sayd towne, but the sayd Palmes, contrary to law and justice, detaines the sayd will, and refuses to exhibit the same for probate, and that allthough ordered to produce the same to the County Court of s^{d} New London, alledging against the present goverment as no legall gouerment, all which haueing a manifast tendency not onely to defrawd the sayd towne of their just right but allso to subvert the goverment, and against their Ma^{ties} peace and weale of his good subjects in this Colony, which things are farther represented in and by a petition from the relict of sayd deceassed. This Court doe therefore order the Marshall of the Colony, or his deputy, forthwith after the session of this Court, to repayre to New London, and by vertue hereof in theire Ma^{ties} name to require the sayd Major Palmes to exhibit the sayd will unto the sayd New London County Court, or clark thereof, for setlement of the estate of sayd Leuin accordingly,

or otherwise that the sayd Major Palmes giue sufficient securety to appeare at the next session of this Court, to answer the premises and his contempt of their Maties authority and the goverment, and if he refuse so to doe, to secure his person for a farther tryall at the next Generall Court.*

Whereas many persons of this Colony doe for their necessary use purchase negroe seruants, and often times the sayd seruants run away to the great wronge, damage and disapoyntment of their masters and owners, for prevention of which for [221] the future, as much as || may be, it is ordered by this Court that whateuer negroe or negroes shall hereafter, at any time, be fownd wandring out of the towne bownds or place to which they doe belong, without a ticket or pass from the authority, or their masters or owners, shall be stopt and secured by any of the inhabitants, or such as shall meet with them, and brought before the next authority to be examined and returned to their owners, who shall sattisfy for the charge if any be; and all ferrymen within this Colony are hereby required not to suffer any negroe without such certificate, to pass ouer their ferry by assisting them therein, upon the penalty of twenty shillings, to be payd as a fine to the county treasury, and to be leuyed upon theire estates for non-payment in way of distresse by warrant from any one Assistant or Comr. This order to be obserued as to vagrant and susspected persons fownd wandring from town to town, haueing no passes; such to be seized for examination and farther disspose by the authority; and if any negroes are free and for themselues, trauelling without such ticket or certificate, they to bear the charge themselues of their takeing up.

This Court by their voate granted to Capt. James Fitch that his former grant of 1000 acres of land shall be 1500 acres, to be taken up together, and lyeing beyound New Roxbury, neer the northeast corner of the Colony line, prouided it prejudice noe plantation or former grant of this Court.

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* Papers relative to the long controversy which ensued about Mr. Liveen's will are in Miscellaneous, I, 93–147, see Miss Caulkins' History of New London, p. 222.

[The following orders were omitted from the Colony Record, but appear with the other acts of this session in the Windsor MS.]

Ordered that two shillings p week shall be allowed for every horse that hath been out and improved for the army's use, and no more.

Ordered that four pounds a horse be allowed for every horse providentially lost in the service, but if lost through the defect of any person, or fraudulently disposed, such person to be responsible.

That arms providentially lost in the service, the owners to be paid out of the country treasury, according to the just value made to appear, but arms lost by any soldier's default, or sold or embezzled, such person or persons faulty, to be responsible.

That every soldier or soldiers deserting the army without leave, or flying from the colours, shall lose and forfeit the full half of their wages from their first listing; and if a servant, then to make reparation to his sayd master by longer and farther service.

That such soldiers as fly from their colors, and so from the service, such to answer for his delinquencie at the county courts, and so likewise such as being duly pressed, make their escape and abscond themselves, which orders are for the late expedition.

Ordered that soldiers in all plantations bring their arms and ammunition to meeting on Sabbath days and days of publique worship, when and as often as the county major or chief military officers in any town shall appoint, upon the penalty of five shillings, to be paid to the town treasury, by every soldier convict of neglect hereof before authority, to be levied by distress upon their estate.

Ordered that the dragoons in the several counties of this Colony be disbanded and returned to their former foot companies, and that this order be published in all the towns.

A Court of Election held at Hartford, May 14, 1691.

Those to stand for the nomination for election are,

Col. Robt Treat, Mr James Bishop, Mr Sam: Willys, Major Nathan Gold, Major John Winthrop, Mr Wm Joanes, Lnt Col. John Allyn, Capt. Andrew Leet, Capt. James Fitch, Capt. Saml Mason, Capt. Saml Tallcot, Mr John Burr, Mr Daniel Witherell, Mr Henry Woolcot, Ens. Nath. Stanly, Capt. John

Stanly, Mr Wm Pitkin; Mr Jehu Burr, Capt. Moses Mansfeild, Mr Thomas Trowbridge.

These were chosen.

Robert Treat, Esqr, Governor.
James Bishop, Dept Governor.

Assistants.

Mr Samuel Willys,	Capt. Saml Mason,
Major Nathan Gold,	Capt. Saml Tallcot,
Mr Wm Joanes,	Capt. Danl Witherell,
Lnt Col. John Allyn,	Capt. John Burr,
Captn Andrew Leet,	Mr Wm Pitkin,
Capt. James Fitch,	Ens. Nath: Stanly,

Lnt Col. John Allyn, *Secretʳy.*
Mr Joseph Whiting, *Treasurer.*

The Deputies are,

Capt. Cipr: Niccols, Deacon Stephen Hosmore, for Hartford.
Capt. Moses Mansfeild, Capt. John Miles, for N. Hauen.
Capt. Robt. Wells, Lnt John Buttolph, for Weathersfeild.
Lnt Nath. White, Mr John Hamlin, for Midleton.
Capt. John Stanly, Deac. Tho. Bull, for Farmington.
Sarjt Jno Platt, Mr Edw. Messenger, for Norwalk.
abs. Lnt Jona. Bell; Mr Abram Ambler, for Standford.
Lnt Henry Crane, for Kenilworth.
Deacon Wm Johnson, Capt. John Graue, for Guilford.
Mr Wm Maltby, Lnt Eli. Stint, for Brandford.
Mr George Gates, Mr Joseph Arnol, for Hadum.
Ensign Stephen Buret, Mr Joseph Curtice, for Stratford.
Mr Henry Woolcot, Mr John Moore, for Windsor.
John Mead, for Greenwich.
Lnt Tho. Leffingwell, Sarjt Richd Bushnell, for Norwich.
Capt. Ebene. Jonson, for Derby.
Lnt Israel Curtice, for Woodbury.
abs. Nehemy Palmor, for Stonington.
Deacon John Hall, for Wallingford.
Ensigne Thomas Jud, for Waterbury.
Lnt John Higley, Mr John Case, for Simsbury.
abs. Capt. Joseph Scill; Lnt Abram Brunson, for Lyme.

Mr Jehu Burr, Mr Samll Warde, for Fayrefeild.
Deacon Wm Dudly, Ens. John Pratt, for Saybrook.
Mr Richard Christopher, Mr Wm Duglass, for N. London.
Mr Tho. Clark, Mr Samll Buckingham, for Milford.

The Court appoynted these for Commissioners in the seuerall plantations: Mr Henry Woolcot, Mr John Moore, for Windsor; Lnt John Higley, for Simsbury; Capt. John Stanly, for Farmington; Ens. Thomas Judd, for Waterbury; Capt. John Chester, for Weathersfeild; Capt. Nath. White, Ens. Wm Cheny, Mr John Hamlin, for Midleton; Mr John Birchwood, for Norwich; Mr Georg Gates, for Haddum; Mr Benj: Brewster, for Norwich and Preston; Mr Richd Christopher and Capt. Auery, for N. London; Mr Mathew Griswold, for Lyme; Mr Wm Dudly and Mr Nath. Lines, for Saybrooke; Lnt Henry Crane, for Kellingworth; Mr Wm Maltby and Lnt Eben: Stint, for Branford; Mr Tho. Trowbridge, for N. Hauen County; Mr Tho. Clark, Mr Alexander Bryant, for Milford; Capt. John Minor and Lnt Israel Curtice, for Woodbury; Captn Wm Curtice, Mr Jeremy Judson and Mr Joseph Curtice, for Stratford; Mr Jehu Bur, for Fayrefeild; Capt. Tho. Fitch and Lnt James Olmsteed, for Norwalke; James Bebee, for Danbury; Captn Jonath. Silleck, Lnt Jona. Bell, for Standford; Mr John Reinolds, for Gree[nwich.]

[222] Mr Jehu Burr is to administer the Comissioners oath to those of Stratford, Norwake, Standford, *Norwalke*, *Standford* and Greenwich. Ens. Judd to administer the oath to Capt. John Minore, and Capt. James Fitch to administer the oath to Mr Brewster and Mr Birchwood. Mr Christopher to administer the oath of a Comr: to Capt. James Auery. Lnt Crane to administer the oath to Mr Mathew Griswold, and Mr Dudly and Mr Lines for Saybrooke.

The Generall Court takeing notice of the great scarcity of salt, by reason of the warrs and troubles abroad, whereby the importation thereof as well as other forreign comodities hath been of late very difficult and dangerous, to the great discouragement of nauigation, and thereby not attayneable but at excessiue rates, to the great damage of the people, besides other inconveniences through the want of that comodity, doe there-

fore, for future benifit of the Colony, order and declare, that if any person or persons, haueing the arte and experienced in the making of salt in any of the useall wayes of doeing it in other parts of the world, and being of estate and stock sufficient, will undertake the same in such wayes as for quantity in goodnesse for use may tend towards the supply of the publique at such reasonable price as they can affoarde the same, the Court, for the incoragem^{t} of such person or persons, doe order and appoynt a patent to be giuen for tenn yeares to com by the Governo^{r} under the seale of the Colony, for the setting up of salt-workes, makeing of ponds, or other requisits, in some most convenient place or places for salt-water, and with restrictions that none els in this Colony shall be allowed to set up salt makeing to sell, upon the penalty of the forfeiting of the salt so made, and such other fine or forfeitures the authority upon prosecution at law shall reasonably order; prouided that this act and order of Court shall not abridge any perticular persons from makeing small quantities of salt for their famalies use.

James Olmsteed was chosen Captain, and John Olmsteed Leiutenant, and John Belding Ensign of Norwalk traine band, and are to be commissioned accordingly.

Vpon the request of Capt^{n} Ebenezer Johnson, this Court grants him liberty to purchass of the Indians about one acre and halfe of the land was set out to them by the towne of Milford, it being unsuitable for the Indians and very aduantagious to the sayd Johnson to set his fence upon it, allso haueing some meadow in it. This Court grants s^{d} Capt^{n} Johnson his request.

M^{r} Nath. Foot moueing this Court that the Marshall might be put upon it to finish the execution he receiued against M^{r} Nath. Stanly's estate, for to *for to* answer a judgment he obteyned against him as he was attourney to James Wakely of Prouidence, October last: This Court grants his request, and appoynt the Marshall speedily to issue the same, and to deliuer the estate to Nath. Foot as administrator to the estate of sayd James Wakely according to judgment.

There appearing great difficulty and dissturbance in the

spirits of the good people of Wallingford in the uarious apprehensions and actions about the choyse of military officers, and their being but litle majority in the choyse and dissatisfactions growing upon the same, this Court doe therefore see good reason not to confirm the choyse, and order that L^nt^ Merriman and Ensign Yale shall continue to be the comission officers of the traine band of Wallingford as formerly, untill this Court shall order otherwise, or the Governo^r^.

Francis Whitmore is chosen and appoynted L^nt^ of Midleton train band, and is to be commissioned accordingly.

This Court findeing upon the presentation of Saybrook choyse some difficulty in the matter of his establishment and therefore deferd it, and at the present what stood in the way formerly being not yet remoued out of the way, that ther may be no difficulty in their millitary affaires there, this Court doe order that till there be a farther setlement by this Court the L^nt^ and Ensigne of Saybrook there formerly established and commissionated, doe take care to exercise and discipline their company according to law.

Capt. Bull haueing moued this Court to declare the stated bownds of the traine bands in Hartford, doe order that the Litle Riuer in Hartford, comonly called the Mill Riuer, on the west side of Conecticutt Riuer, shall be the bounds, and Hoccanum, on the east side of Conecticutt Riuer, shall be the bownds, and those that liue of the sowth side of those riuers shall belong to the train band of the sowth side, and those that liue of the north side are to be of the company of the north side, and so it is to be understood from the date of Capt. Bull's commission.

This Court haueing reced a coppy of a record made to Isack Lane of a percell of land by Francis Joanes, tho: no deed appeares, the sayd land lyeing in Midleton: This Court approues [223] of the s^d^ record, and that the sayd land shall || belong to the sayd Lane and his heirs and assignes, and the sayd debt due to Isack Lane from the estate of sayd Joanes shall be remitted to the sayd Joanes, and the ouerpluss to be returned to the administrator.

M^r^ Peck and Isack Brunson, in the behalfe of the people of

Waterbury, petitioning this Court that they might haue the liberty and fauour of this Court to enter into church fellowship and to gather a church in that place: This Court doe freely grant them theire request, and shall freely encourage them in their beginings, and desire the Lord to giue them good success therein, they proceeding according to rule therein.

Upon the humble address of Hanah Moore of New London to this Court, informing that John Wheeler and Samuel Fozdick, formerly administrators to the estate of Abell More, deceassed, haue had the administration taken from [them] by the court of New London, and the sayd Hanna More haueing taken up the power of administration: This Court grant unto the sayd Hanna full power to disspose of the lands by sale for the payment of just debts, she takeing the best aduice she can for the selling of them to the best aduantage of the sattisfying the debts.

Upon the complaint of Samuel Hall that his brother Isack Hall of Fairefeild hath deseized him of certain lands in the townshipe of Fayrefeild and holds him out of them and their appurtenances, and petitioning for right to be done him therein, and this Court being informed that all means used in the comon law for the sayd Samuel Hall his peaceable holding sayd lands haue been rendered ineffectuall by Isack Hall's forcible enteries and deseisins, and that many violences and threatenings of an high nature haue been used by sayd Isack Hall against sayd petitioner, whereby it is grown tumultuos and requires speciall order for the issueing the same: This Court doe therfore order and comissionate the next Court of Assistants to haue the whole hearing and decission of the sayd case, and that the secretry send a summons to sayd Isack Hall there to appeare and answer what complaints the sayd Samuel Hall shall therein exhibit against him, and the sayd sumons being read to him or an attested coppy of it left at his house, the case shall proceed, and according to the judgment of that Court of Assistants execution to be without delay issued out and serued.

Vpon the petition of those of Paquanag, this Court doe suspend the matter of difference about a ministry at Paquanage

for farther consideration and issue to next October Court, and recommend it to both parties to endeauour a loueing agreement among themselues, if it may be, with the best aduice, *with the best aduice* they can come at in the mean time.

This Court confirme John Stanly Captn of Farmington traine band, and order that he be comissionated accordingly, and for the present they doe not see reason to confirm the Leiutenant.

This Court haueing receiued a return from Captn Samll Tallcot, Mr Nath. Stanly, and Captn Cip. Nicolls, of what they had done as to the setleing of the comon fence in Simsbury, this Court doe approue of the same and doe accordingly confirme the same.

The Governor haueing informed what the Councill had done in afforeding of releife to the upper plantations in the winter upon the request of the Generall Court of Massachusets, in sending up souldiers to guard Deerfeild, this Court approues of the same and order that it be brought into the publique charge to be payd out of the Treasury.

Upon the petition of sundry of the inhabitants of Paquanack that they might haue liberty to procure and mayntaine the ministry in the sayd Paquanag, this Court grant them liberty to procure and setle an orthodox ministry amongst them if they find themselues able so to doe, and prouided that those of Paquanage that doe belong to Fayrefeild township shall paye their just proportion of rate towards the mayntenance of the ministry in Fayrefeild till they can obtayne freedome from the towne of Fayrefeild or from this Court.

This Court impowers the widow of Roger Newton, whoe is administrator to his estate, to grant Joseph Ashborn a deed of sale, to confirm to him and his heirs for euer seuen acres of land her husband sold to sayd Ashborne.

Whereas Robt. Seely is deceassed and left his estate much incumbred with debts, this Court being requested to grant liberty to the administrators to make sale of some land for the payement of just debts, and being informed that the personall estate of sayd Seely will not be neer enough to sattisfy his creditors, doe order that when necessarys be layd out to the

widdow for her necessary supply of utensels for her necessary use, and her thirds of the reall estate be layd out to her, the administrators may and hereby are impowered to make sale of the rest of the lands of sayd Robt Seely for the payment of his just debts, so far as there shall be occasion for it.

It is ordered by this Court, that where the traine band in any towne in this Colony is or shall be diuided into two companyes, the same shall be done in as near an equality for number as may, excepting where any company or companies are allready setled by agreement and order of Court; and the afoarsayd setlement and distribution is to be made by the comission officers, where all the souldiers concerned are to yeild obedience.

This Court haueing considered the petition of Mr Joseph Tallcot with the pleas and arguments he hath presented, doe order that the sayd Mr Joseph Tallcot, eldest son of Lnt Col. John Tallcott deceassed, haue a double portion of the whole estate both personall and reall of his honord father, and what is wanting in moueable estate be made up to him in land and [224] meadowes, such as he shall choose, and the former || persons appoynted to distribute the reall estate to the children, are to finish this allso.*

This Court for the securety of the town of New London and his Maties subjects there, it being a place of danger if any forreigne enemie should endeauoure to attack them, this Court for the encouragement of the good people there in goeing on with their fortifications there, this Court grants them thirty pownds out of the publique treasury, to be improued by Mr Witherly and Mr Christophers in that worke, whoe are to make return to this Court how they disspose of it.

This Court, considering Mrs Leuins petition, see no cause to

* Lt. Col. Talcott died intestate July 23, 1688. Administration on his estate was granted to his brother, Capt. Samuel Talcott, and his son-in-law, Lt. Joseph Wadsworth, by Sir Edmund Andross. After the restoration of the Colonial government the latter, though opposed by his co-executor, presented an inventory of the real as well as of the personal estate to the County Court. Joseph Talcott, as the eldest son and heir at common law, claimed all the real estate, but the Court of Assistants, May, 1690, to which the County Court had referred the matter, gave him only a double portion. Rec. Co. of Assist. II, 6. Joseph Talcott's petition and pleas are in Private Controv. IV, 47, 48.

disaproue New London Courts proceedings for probate of the will and setlement of the estate of Mr John Leuins deceassed, and leaue the legatees and creditors or any concerned to sue forth there rights at comon law.

This Court doe remitt to John Butlar, late constable of Brandford, deceassed, twenty fower shillings that yet remaynes from him.

This Court considering the present state of affayres in the Christian world, and being sencible that the holy hand of God is lifted up against us still in many respects, both by the continuance of sickness and many deaths in some of our cheife plantations, and seuerall other wayes, together with the unreformedness that is found amongst us notwithstanding the many endeauoures haue been used to promoate a thorow reformation, doe order and appoynt that the 2d Thursday in June next be solemnly kept a day of publique humiliation and prayer throughout this Colony, and abstinance from all seruill laboure, to humble or soules before the Lord for all our many prouocations, whereby we haue prouoaked him to continue his judgments upon us and to afflict vs more and more, and allso to seek his face and faurour in Jesus Christ, that he would be graciously pleased to powre forth a spirit of repentence and reformation upon us, humble us under his mighty hand, fitt and prepare us for mercy, and return and be gracious to vs, and remoue his judgments from us, and lengthen out our peace and tranquility, and bless us with the continuance of or liberties and pruieledges both sciuill and sacred, and in the fruits of the feild and trees, and continue or comforts to us and saue us in this day of trouble, as allso to implore the fauoure of the Lord and his blessing for their Maties, that God would preserue and prosper them in all their counsells and undertakeings for the setlement of peace and true religion throwout their dominions, and grant them good successe in their designes against all those that are theire enemies, and disturbers of the peace and progress of the kingdom of Christ and pure religion.

This Court doe impower Mr John Mosse of Wallingford to be the Commissioner for Wallingford for the yeare ensueing.

Whereas this Court in their order May last ordered fence veiwers upon neglect of the owners repayreing theire fences to repayre the same for double pay, doe now ad to their former order, that if any shall neglect to make or set up their fence, it being set out to them by the selectmen, upon faylure of makeing the fence the fence-veiwers shall allso erect and set up such fence and shall be allowed double pay for the same, to be recouered by warrant from authority according to the afoarsayd order May last.

M^r^ Jehu Burr presenting to this Court a bill for the alteration of their order made May last in refference to schooles, which was read twice in Court, the Court by their voate haueing considered the same did not see reason to make any alteration of the foresayd law.*

W^m^ Man haueing petitioned this Court that they would please to grant their confirmation of what the county court did as to the setlement of Thomas Burnams last will and testament, the Court, haueing considered the same with the testemonies belonging thereto, doe see good reason to rattify and allowe the setlement of that estate of Thomas Burnam, except the will appeare, which was done June 26, 1690. W^m^ Man voluntarily allso appeared in court and engaged himselfe, his heires, executors [and] administrators, to pay unto John Burnam, his heires, executors or administrators, the sume of thirty pownds, in currant pay of the country, within six moneths after he shall come to peaceable posession of that legacy his father gaue Rebeckah, his now wife, by sayd will.

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* Mr. Burr's proposition or bill about a school is in College and Schools, I, 7, as follows: Whereas by an Act of y^e^ Court in May, 1690, two grammer schooles were stated and appointed, y^e^ one at Hartford and y^e^ other at New Haven, and 60*ll* a year allowed to be paid to y^e^ maintenance of each of y^e^ s^d^ schooles: and y^t^ 30 of y^e^ s^d^ 60*ll* per annum should be paid to each of y^e^ s^d^ schooles out of y^e^ publick treasury of this Colony, as in and by y^e^ said act or order of y^e^ Court may more fully appear: This Court, on further consideration of y^e^ matter, do judge it convenient and necessary, for y^e^ increase and incouragem^t^ of good literature in y^e^ education of youth for publick service and usefulness, y^t^ y^r^ shal be two other grammar schooles besides y^m^ already appointed, viz: one at Fairfield, and another at New London, for y ease and better advantage of y^e^ s^d^ 2 counties: and y^t^ for y^e^ future the 60^ll^ payable out of y^e^ publick treasury shal be paid as followeth, viz: 15^ll^ per annum to each of y^e^ s^d^ county townes y^t^ doth maintain a grammer school according to y^e^ true intent of this act, and y^e^ sd 15^ll^ to be made 50^ll^ per annum to each of y^e^ sd schooles.

That there may be no disapoyntment in the Court of Assistants or in the Councill by reason of the Gouernor or Dept Gouernors absence by sickness or otherwise, it is now ordered by the Court, that it shall be in the power of the Gouernor to nominate and appoynt a president for such court or councill as shall be necessarily called before the meeting of the next Generall Court, which sayd president so nominated and appoynted is hereby fully impowered to attend the sayd seruice, any former order to the contrary notwithstanding.

In the interualls of the Generall Court, in case their should fall out any speciall occasions to be attended, this Court leaues it to the Governor and Councill to issue the same.

Upon the request of the administrators of the estate of Obadiah Bancks that they might sell so much land as is necessary for the payment of his just debts, this Court grant their request and impower them so to doe.

This Court grant that the administrators of the estate of Phillip Judd are hereby impowered to make sale of so much of his land as may sattisfy for his just debts that his moueable estate will not answer.

This Court grants the administrators of the estate of Dauid Watkins and the ouerseers of his estate power to make sale of a certaine house and peice of land belonging to the daughter of sayd Watkins, there being no other way to preserue it, and that the pay that will be paid for it be secured and improued for the daughter of sayd Wadkins.

[225] This Court doe nominate and appoynt Fitz John Winthrop Esqr to be Col. of the regiment of New London County, and he is to be commissionated accordingly.

This Court doe nominate, appoynt and impower Capt. Jonath: Bull or his attourney to prosecute all the seuerall constables that haue not made up their accots for such money as they were ordered in Sr Edmons time to gather, at the next county court in each county, and upon receipt of the same to giue discharges for what he receiues, and to pay therewith what just debts are due for the charge of the garisoning of souldiers at Northfeild, so far as it will goe.

Whereas the sitting of the Court of Assistants in May, after

the Generall Court in that moneth, is found to giue great delay to the administration of justice in cases of appeales from the county courts to the court of Assistants, this Court doe now order that from henceforth, after the next Court of Assistants, the Court of Assistants shall be held on the Munday before the Court of Election or Generall Court in May annually, whereby all appealants from sayd Court of Assistants may haue the more speedy issues in the Generall Court, and the Court of Assistants in October to be according to former order.

This Court haueing heard and considered the seuerall leters from M^r^ James Porter, as allso a letter from the Reuerend M^r^ Increase Mather* doe desire and impower the Governo^r^ and Councill with all convenient speed to write to sayd M^r^ Porter and the Reverend M^r^ Mather, or any others in England that they see meet, to giue them the thankes of this Court for their kindnesses to this Colony, and to request them to present our former addresse to the King and Queenes Ma^tie^, if it be not allready done, and to endeauour to procure us their Ma^ties^ gracious acceptance and owneing of vs, in o^r^ serueing their Ma^ties^ in the gouerment of this their Colony according to o^r^ charter, by some letter from their Ma^ties^, as theire Ma^ties^ pleasure is, and to acquaint those gent^n^ o^r^ freinds with o^r^ present pouerty, by reason of wars and otherwise, which hath disabled us from such liberall improuement of agents and makeing other new addresses to their Ma^ties^ as we desire, yet withall to signify that the necessary charges they shall be at in persuance of our aboue mentioned desires we will carefully defray as soon as they shall be signified to us by them.

The Court is adjourned till the Gov^r^ or Deputy see cause to call them together againe.

M^r^ Rich^d^ Edwards haueing petitioned to consider the case was presented to them October last for a releass from his wife, and that he might haue releife therein if the law of God or man will affoarde it him, and he allso desireing that a councill of able diuines upon his charge might be called to consider his case and giue their resolues upon the same to the court: the

* Several letters from Mr. Porter and one from Mr. Mather are in Foreign Correspondence, II, 22–27.

Court, haueing considered the premises, though they are not fully sattisfyed to alter their apprehensions from what they were formerly, yet considering the deplorable estate of the petitioner, and the many intolerable temptations he lyes open too, are willing to doe what they can for his releife, and to recomend it to the Gen^{ll} Court October next to consider the case, and doe desire that the Reuerend M^{r} Hooker, M^{r} Mather, M^{r} Woodbridg, M^{r} Russell, M^{r} Tompson, wth M^{r} Watson, giue their attendance at Hartford on sayd Court, to heare the case and grant what light they can come at, for the direction of the Court in the issue of the case.

A Speciall Court held at Hartford, July 9, 1691.
By order of the Governo^{r}.

Col. Robt. Treat, Esq. Gov., Capt. Sam^{ll} Tallcot,
M^{r} Sam^{ll} Willys, Capt. Dan. Witherel,
L^{nt} Col. John Allyn, M^{r} Nath. Stanly,
Capt. Andr: Leet, M^{r} W^{m} Pitkin,

Deputies.

Capt Cip: Niccols, Deac. Steph. Hosmor, for Hartford.
M^{r} Henry Wolcot, M^{r} John Moore, for Windsor.
Capt. Robt. Wells, L^{nt} John Butolph, for Weathersfeild.
Capt. Moses Mansfeild, for N. Hauen.
Capt. Tho. Clark, for Milford.
M^{r} Jos. Bastard, M^{r} Sam^{ll} Ward, for Fayrefeild.
Capt. John Stanly, M^{r} Tho. Bull, for Farmington.
M^{r} Tho. Leffingwell, Serj^{t} Rich^{d} Bushnell, for Norwich.
Capt. Nath. White, M^{r} John Hamlin, for Midleton.
Deacon John Hall, for Walingford.
Ens. Tho. Judd, for Waterbury.
Sarj^{t} John Plat, for Norwalk.
M^{r} John Higly, M^{r} John Case, for Simsbury.
L^{nt} Jonath. Bell, Abram Ambler, for Standford.
L^{nt} Henry Crane, for Wallingford.*
Deacon W^{m} Johnson, for Guilford.

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* A slip of the pen for Killingworth.

Deac. Wm Dudley, Ens. John Pratt, for Saybrook.
Mr Joseph Arnold, for Haddum.
Mr Wm Maltby, Lnt Eben. Stent, for Branford.

The Generall Court by their voate made choyse of Mr Wm Joanes to be Deputy Governor* till the Court of Election May next.

The Court by their vote made choyse of Captn Caleb Stanly to be an Assistant till the Court of Election in May next, whoe was sworn in court.

This Court desired the Governor to administer the Deputy Governors oath to Mr Wm Joanes, whoe is chosen thereto by the Generall Court.

This Court doe leaue it with the Governor and Councill, so many of them as can conveen, in behalfe of this Court to draw up letters to Mr Mather, Mr Whiting, and Mr Porter, to return them thankes for what they haue done for us in England, and to desire them to endeauoure to procure from his Matie a letter owneing us in the legall management of or Charter Goverment, and continueing vs under his protection in the full and free injoyments of our liberties and priuiledges.†

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[226] A Generall Court held at Hartford, October 8th 1691.

Robt. Treat, Esqr, Govr.
Wm Joanes, Dept Govr.
Mr Samll Willys, Esqr,
Major Nathan Gold, Esqr,
Lnt Col. Jno Allyn,
Captn Andrew Leet,
Capt. Samll Tallcot,
Mr Wm Pitkin,
Mr Nath. Stanly,
Capt. Caleb Stanly.

The Deputies are,

Capt. Cip. Niccols, Deac. Step. Hosmor, for Hartford.
Mr Henry Woolcot, Mr John Moore, for Windsor.
Capt. Robt. Wells, Lnt Jno Buttolph, for Wethersfeild.
Capt. Moses Mansfeild, Lnt Abram Dickerman, for N. Hauen.
Mr Wm Johnson, Capt. John Graue, for Guilford.

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* In place of James Bishop, Esq. who died June 22, 1691.
† Copies of these letters are in For. Corresp. II, 29, 30, 31.

Mr John Wakeman, Mr Eliphalet Hill, for Fayrefeild.
Mr Tho: Leffingwell, Mr John Birchwood, for Norwich.
Mr Tho. Knowles, Mr James Judson, for Stratford.
Mr Israell Curtice, for Woodbury.
Capt. James Morgan, Mr Nehemi. Smith, for N. London.
Mr Eliasaph Preston, for Wallingford.
Mr Wm Maltby, for Brandford.
Mr Samll Newton, Mr Samll Buckingham, for Milford.
Capt. Nath. White, Mr John Hamlin, for Midleton.
Mr John Higley, Mr Peter Buel, for Simsbury.
Mr John Chapman, Mr Wm Parker, for Saybrook.
Ens. Tho. Judd, for Waterbury.
Lnt Abram Brunson, Ens. Joseph Peck, for Lyme.
Mr Abram Ambler, Mr Daniel Westcott, for Standford.
abs. Capt. James Olmsted; Ens. John Belding, for Norwalk.
Capt. Ebenez. Johnson, for Derby.
John Meade, junr, for Greenwich.
Mr Joseph Arnold, for Haddum.
Capt. John Stanly, Mr Tho. Bull, for Farmington.

This Court, in the absence of Capt. James Fitch, doe appoynt Mr John Hamlin to audite the Treasurer's accot, with the rest appoynted for that seruice.

Whereas there hath [been] a petition prsented to this Court to moue them to grant them the proprietors of the land giuen by Joshua to seuerall gentn of Norwich, to make a township of that land and to name the towne Windham, and to free them from country rates for some time;* the Court haueing considered the premises, and findeing none of the principle proprietors of sayd land in the petition, doe not see cause to proceed farther in it at this time, but desire the deputies of Norwich to inform the petitioners and proprietors, that in May next the Court will giue all due encouragement to the petitioners and proprietors to proceed in the planting the afoarsayd place, and doe expect their attendance upon the court for an issue.

Vpon the petition of the widow Tabatha Worcester and Lidia French, that this Court would grant them liberty to disspose so much of their husbands lands as are necessary to

* The petition, to which eleven names are appended, is in Towns and Lands, I, 234.

be sold to pay their husbands just debts, the personall estate not being sufficient to doe it, this Court grant their petition, and ordered that they and Ensign Rigs, by aduice of Capt. Eben. Johnson and Tho. Worster, doe disspose of such land as may be best spared for the end afores[d].

This Court grant and impower M[r] Sam[ll] Sherman junior to disspose of the land of Henry Hitt, to pay his just debts, as allso so much of the land of Henry Allyn as is necessary to pay his just debts.

The Governo[r] acquainted the Court with the transactions that had [been] between this goverment and the other colonys and perticularly those letters that haue past between the Governo[r] and Councill of New York and vs,* and doe approue of what they haue done.

The list of estates for the Colony are,

persons.	*ll.*	*persons.*	*ll.*
253 Hartford,	19211 00 00	321 New Hauen,	15622 00 00
285 Windsor,	16145 00 00	144 Milford,	09914 00 00
234 Wethersfeild,	14367 00 00	053 Brandford,	04010 00 00
109 Farmington,	06935 00 00	120 Guilford,	07335 00 00
110 Midleton,	05368 00 00	041 Derby,	01963 00 00
066 Simsbury,	03348 00 00	076 Wallingford,	03959 00 00
065 Haddum,	03800 00 00	208 Fayrefeild,	11360 00 00
043 Waterbury,	01859 00 00	124 Stratford,	08656 00 00
190 New London,	09400 00 00	052 Woodbury,	02487 00 00
116 Norwich,	06561 00 00	88 Norwalk,	05016 00 00
090 Saybrooke,	05668 00 00	109 Standford,	05320 00 00
066 Lyme,	04267 00 00	066 Greenwich,	03107 00 00
097 Stoneington,	05847 00 00	——	
043 Kenilworth,	02534 00 00	3109	

This Court appoynt Capt[n] Niccols, M[r] Maltby, M[r] Eliphalet Hill, and M[r] John Chapman, to be a comitte to perfect the sayd lists that are imperfect and to return them to the Court.

[227] Vpon the petition of Nathaniel Niles, this Court doe see reason in regard of his great losse by the French, to grant unto him the sume of one hundred and fifty acres of land, prouided he take it up wher it may not prejudice any plantation or perticular person by any *person* [former grant] made

* Respecting the defence of Albany. War, II, 145–151. Documents rel. to Col. Hist. of N. Y., III, 784.

to them by this Court. Lnt Leffingwell and John Post are appoynted to lay out to him his land according to his grant.

The Court grant Maytowhash, the Sunck Squa of Midleton, liberty to disspose by sale two acres and halfe of land to John Clark for her present supply.

This Court grant unto Matowhash the Sunck Squa of Midleton, liberty to disspose by sale two acres and halfe of land to John Clarke for her present supply.

Vpon the petition of Waterbury this Court grants them their present country rate toward the erecting of a house for the pub: worship of God in that towne, prouided they improue it for that use and no other.*

This Court impowers the administrators of Ephraim Hayward's estate to disspose of so much of the lands and houseing of Ephraim Howard's deceased as may with his personall estate pay his just debts.

Some of Wallingford haueing petitioned their millitary officers might be confirmed by this Court, this Court doe confirm their order of May last in respect of the millitary officers of Wallingford, [which] former order is to continnue till the people of Wallingford are better agreed or the Court order otherwise.

This Court grants liberty to the select men of Milford, with aduice of the Governor, to set up a ferry ouer the riuer between Stratford and Milford, in case that Mr Wheeler the prsent ferry man doe not attend [to] fullfill the articles formerly made with the townes of Stratford and Milford, and that he keep a good boate, and good attendance, to carry over all passengers according as they haue occasion, at reasonable price, and this Court grants the ferryman full liberty of the use of the wharfe on Stratford side to land his passengers on.

Mr Tho. Wells is plntf. by way of appeale from the Court of Assistants May 26, 1691, Mr Ickabod Wells, Samuel Wells,

* John Hopkins and Thomas Judd, townsmen, represent that the town had been brought low by losses in the fruits of the earth, losses in their live stock, and by much sickness for the space of the last four years, that they had done much scouting for which they had received no public recompense and been put to much trouble by soldiers passing to and fro, and whose entertainment had occasioned much expense of time, &c. and desire assistance toward the building of a meeting house. Ecclesiastical, I, 89.

Mr Joseph Welles, John Bidwell in behalfe of his wife Sarah, and James Judson in behalf of his wife Rebeckah, as surviuoures to Jonathan Wells of Hartford, deceassed, defendnts, from the judgment of the Court of Assistants May 26t 1691: Which action was entered a complaynt for neglecting or refuseing to distribute or pay to them respectiuely their seuerall parts or portions of the sayd deceassed estate, according to the distribution and appoyntment of the County Court holden at Hartford Novr 5, 1690. At the Court of Assistants the jury fownd for the defendants a distribution of the estate according to the *court* courts order Novr 5, 1690. The present plntf moueing this Court that there might be a non suit granted in this suit, the Court saw no reason to grant his desire, but haueing considered the case, doe find for the defendants that the distribution of Jonathan Wells made by the County Court November 5t, 1690, shall stand, and doe grant to each of the bretheren and sisters of sayd Jonathan Wells their just proportions, of the sayd estate, and if the sayd Mr Tho: Wells refuse to make payment to them, or either of them, the portions, the Secretary to grant them execution for the same, and that whoeuer receiues his part shall giue sufficient bond to Mr Tho: Wells, the administrator, to refund what is necessary and will be sufficient to pay his share of all just debts due from the estate, in case any appear, and that Mr Tho: Wells be allowed his necessary expences for the preserueing the estate out of the estate, according to what shall be alloted him by the county court upon his prsenting of his charge before them. Execution deliuered January 4, 1691.

This Court by their vote declared they did not see reason to confirm Thomas Bull Lnt of the traine band in Farmington till they haue com to a new choyse of a Leiutenant there.

Mr Abram Ambler, Jonath: Bell, Daniel Weed, Richard Scouill, plntfs by way of appeale from the judgment of the Court of Assistants, May 26, 1691, John Arnold, as attourney to his brother Joseph Arnold of Boston, defendant, which action was entered an action of the case for refuseing or neglecting to pay him the sayd Joseph Arnold a certain sume or sumes of money due to him for seruice or labour don upon or

about the sayd brigateen by himself as master of the sayd vessell and by his men shipped by him, as allso for disbursments for dyet in sayd seruice, as appeares by his acco^{t}, with damages to the value of fifty fiue pownd. In this action the jury find for the plaintife forty fiue pownds; the court accepted of the verdict and grant judgment accordingly. This Court, haueing heard and considered the case with the seuerall euidences, doe finde for the defend^{nt} thirty pownd in currant country pay and cost of court.

This Court apoynts Thursday 5^{t} of November to be solemnly kept throughout this Colony a day of publique thanksgiueing throughout this Colony; the occasions thereof are on file.

This Court appoynts the 2^{d} Wednesday in Decemb^{r} next to be kept a day of prayer &c.

This Court grants M^{r} Charles Chancey, with what he hath receiued, so much as may make up thirty shillings per week for the time he was out chaplin and phecissian to the army, which was fowerteen weeks.

This Court, upon the motion of the deputies of New London that the traine souldiers on the east side of New London Riuer, by reason of the great distance of their habitations from the centre of the towne and the difficulty of passage thither, that they may be admitted to haue a traine band stated of that side the sayd riuer; this Court, haueing considered the same, doe grant their request and giue them liberty to haue a stated company of all those souldiers on the east side the riuer, prouided Major Generall John Winthrop and Capt^{n} Daniel Witherell doe approue thereof.

[228] Vpon the petition of Richard Edwards that this Court would release him from *from* his conjugall tye to his wife Elizabeth, the Court, haueing considered the case with seriousnesse and taken the best aduice they could com at by the word of God and learned and worthy diuines, doe see reason and doe release him the sayd Richard Edwards from his conjugall tye to sayd Elizabeth his late wife.

This Court orders that the officers for Northfeild expedition be payd out of the Colony treasury, according to custamory alloweance, that is their areers. That the areers of the soul-

diers of this Colony in the Northfeild expedition be payd at sixpence p day.

This Court by their vote granted to Capt^{n} Bull for his commissary place forty shillings.

This Court grants M^{r} John Parker for powder expended at Saybrook forte the sume of fiue pownds eight shillings.

This Court grants to M^{r} John Chapman fiue pownds for powder expended at Saybrook forte.

This Court confirm John Chapman Capt^{n} of Saybrook traine band, and order that he be commissionated accordingly.

The Court remitted to M^{rs} Phebe Whiting the sume of three pownds due to the country.

This Court appoynt Major Gold and M^{r} John Bur to audite the constable of Stratfords acco^{t}, and to make it up with him.

This Court grant a rate of three pence upon the pownd of all the rateable estate in this Colony, to discharge the country debts, to be payd as followeth, in wheat, peas, and indian corn, and rye; winter wheat 4*s*. 6*d*. p bush., and pease at 2*s*. 6*d*. p bush., indian corn at two shilling six pence p bush. porck, at three pownd ten shillings p barell, all to be good and merchantable, porck to be well repact, and beif 40*s*. p barell; and if any will pay the one halfe of their rates in currant money of New England, it shall be accepted in leiu of their full rates; and the constables in the seuerall townes are to return what money they receiue, forthwith upon their gathering of it, to the treasurer, whoe is to disspose it to the payment of such money debts as the country owes at p^{r}sent.

This Courts grants the Governo^{r} for his sallary this yeare the sum̃e of one hundred pownds.

This Court grants the Deputy Governo^{r} for his salary this year the sum̃e of forty pownd.

This Court grant the Secret^{r}y for his salary this year the sume of twenty fiue pownds.

For this year the Treasurer is allowed thirty fiue pownd, and the Marshall fifteen pownds.

This Court grants Capt^{n} Caleb Stanly salery for his seruice as Commisary twenty pownds.

This Court grants Thomas Hancox tenn pownd p anum for keeping the comon goale.

Mr Edwards haueing petitioned this Court that Mr Glouer might haue some relcife granted him in a bond and awarde, wherein John Mawdsley was concerned and his son Captn Glouer, &c; the bond is dated Aprill 2, 1689, the arbitration is dated Aprill 3d, 1689; the Court se no reason to receiue their case, because the widow hath not timely notice thereof, and therefore refer them to the comon lawe.

This Court findeing great difficulty ariseing amongst vs in gathering of rates, men neglecting to make payment of their just sumes when warned by the constable or colector to bring in their rates, this Court doe order, that if any person or persons shall neglect or refuse to make payment of their rates according to order, it shall be in the power of the constable or colector to leuy so much of his personall estate as may answer their rates and the just charge ariseing thereupon, and for want of personall estate, the sayd constable or colector shall seiz the body of such person so neglecting to pay theire rates, and to conuay them to the county goale, there to be secured by the prison keeper till he shall haue payd his sayd rates with all necessary charges ariseing thereupon, and the seuerall prison keepers are hereby required to receiue such persons as shall be brought to them into their custody, and not to releasse them without order from authority. This order to remayne in full force and vertue, any former law or order to the contrary notwithstanding.

Upon a petition of the proprietors of the east side the great riuer in Hartford, that this Court would be pleased to appoynt a comittee to setle the fence there, and the answer to the petition is set down under the petition under the hand of the Secretary. Mr Olcot payes for the petition 10*s*.

[229] Upon the petition of the people of Paquanage that they may haue liberty from this Court, while they mayntain and orthodox ministry in Paquanage, to be releast from their payment to the ministry of Fayrefeild, the Court grant their petition therein, prouided the sayd people of Paquanage make payment of all their just dues for towne charges to the sayd towne of Fairefeild as formerly, and pay their just dues to the ministry of Fayrefeild to this day.

Upon the petition of Jacob Walker, who complayns of wronge he hath receiued by vertue of an execution that hath been serued upon his estate by the marshall of Fayrefeild upon the suit of Hezikiah Dickeson and Joseph Wadkins, this Court recommend it to the county court of Fayrefeild at their next sessions to hear, consider, and determine, the sayd complaynt, and that they order if any thing be don amisse in the serueing of the execution that it be rectifyed according to law and rules of righteousnesse, and if any party be dissattisfyed with the issue they may repayre to the next Generall Court for an issue and determination thereof.

Mrs Lewes petition to this Court was read in the court, but the children haueing no notice thereof, the Court refers it to the next Genll Court for hearing and issue of the case.

This Court appoynts Mr Dudly to administer the oath of a Commissioner to Mr Mathew Griswould as soon as may be.

Capt. Scill is allowed his sallery for deputy May last, he being taken sick in his passage vp.

This Court leaue it with the Governor or Dept Govr and Councill, according to charter, to hear and determine all affaires that are of necessity to be attended in the intervales of the Generall Court, prouided they rayse no money nor make no alteration of or charter goverment.

This Court orders that whereas the County of Hartford doe complayne they are to hardly dealt with in the price of theire lands, this Court doe now referr it to the Genll Court in May next to consider of the sayd complaint and to issue the same in a just and righteous way.

This Court doe recommend it to the county court in Hartford to consider the petition of Mrs Mary Gilbert, relict of Josiah Gilbert, and to use the best means can be come at for to releiue her.

This Court, findeing that Kenilworth haue not presented theire lists to this Court, doe order the Secretary to send his warrant to Lnt Henry Crane, and to Mr John Griswould, to send up the list of theire townes estate to him forthwith, and upon their neglect to require Marshall Graue to goe down to Kellingworth and to take the fine the law requires for the defects and his just [fees] for trauell.

It is ordered by this Court that in all executions that shall be granted for the future, where it is sayd, For want of estate you are to secure the body of such a one (it be aded in such writts) In the county prison, and the prison keeper is hereby required to receiue and secure the sayd person till payment be made for the sayd debt according to execution, or sufficient security be giuen for the same.

Whereas the good people of Wallingford, by reason of some variaty of apprehensions that hath fallen out between them, sit uneasy, and their seames to be a made breach made of their peace, and differences seem to be increasing among them; for the issue of all matters and controversies between them that are not for the present stated and determined by this court allready, this Court doe nominate and appoynt L^nt^ Col. Allyn, Capt. Sam. Tallcot, M^r^ W^m^ Pitkin, and the Reuerend M^r^ Sam^ll^ Hooker, and M^r^ Perrpoynt, they or any two or three of them, to be a comittee in behalfe of this court to hear and determine all maters of controuersie that haue arisen between the good people of Wallingford since their looking towards of millitary officers, and the good people of Wallingford to aquiesse so far as to be peaceable under the same.

Whereas there hath been a long continued controuersy between Isack Hall and Samuell Hall, that hath made much trouble and controuersy between them, managed in seuerall of our courtes, it is now by this Court recommended to our Honoured Governo^r^, Major Gold, and M^r^ John Burr, to take the paynes to command both Isack and Sam^ll^ Hall to appeare before them, and to use their best endeauoures to setle them in a good and peaceable way according to rules of righteousnesse, if they can attayne it. If that doe not doe, then the sayd gent^n^ are to order and put each of them in a peaceable possession of their respectiue rights, according to their seuerall and respectiue deeds and euidences, and guifts by will, or any other way, and when this is done, whosoeuer shall rietously or any other way disturb the peace of each other, they shall forthwith be secured and punished according to law.

The Court is adjourned till the Governo^r^ or Deputy Governo^r^ see reason to call them together again.

[230] A Generall Court held at Hartford by speciall order of the Governor, Novembr 19, 1691.

Col. Robt. Treat, Esqr, Govr.
Wm Joanes, Esqr, Dept. Govr.
Mr Samuel Willys, Mr Nath. Stanly,
L. Col. John Allyn, Capt. Caleb Stanly.

Deputies.

Capt. Cip: Niccols, Mr Steuen Hosmor, for Hartford.
Mr John Moore, for Windsor.
Capt. Robt. Wells, Lnt John Buttolph, for Weathersfeild.
Capt. Moses Mansfeild, Lnt Abram Dickerman, for N. Hauen.
Mr Saml Buckingham, Mr Saml Newton, for Milford.
Capt. John Stanly, Mr Tho. Bull, for Farmington.
Capt. Nath. White, Mr John Hamlin, for Midleton.
Mr Tho. Knowles, for Stratford.
Mr Wm Parker, for Saybrook.
Mr Wm Johnson, Capt. Jno Graue, for Guilford.
Mr John Higley, for Simsbury.

The Governor, with the aduice and consent of the magistrates and deputies assembled in Hartford* this 19 of Nouember, 1691, orders that there be a free and voluntary contribution made throughout this Colony, towards the supply and releife of the garissoned souldiers imployed against the comon enemie in the eastern partes, and the poore famalyes yet continued there, or forced away from their habitations in distresse and want, and the reuerend elders and ministers in our plantations are desired to promoue and encourag the people in their seuerall congregations to this charitable [work], as pleasing and acceptable to God; and what shall be raysed this way, is by the deacons, in each towne where there be deacons, and by the constables where there be no deacons, an accot thereof with what shall be rayged in cash is forthwith to be returned to the Governor, and the Governor and Councill are to take care for the speedy transportation thereof, and to order the

* To a letter from Gov. Bradstreet requesting assistance, Mr. Allyn replies that by reason of the sickness some of the magistrates were visited with, a sufficient number did not meet to keep a General Court. War, II, 154, 155.

disspose thereof for the ends abouesayd in the best way and maner they can, and what prouission shall be raysed in o^{r} porte townes is to remayne there, and what is raysed in o^{r} inland townes is to be conuayed to the porte townes, all to be ready for transportation as the Governo^{r} shall order.

A Court of Election held at Hartford, May 12th, 1692.

These were nominated to stand for the election.

Col. Robt. Treat, W^{m} Joanes, Sam^{ll} Willys, Major Nath. Gold, L. Col. John Allyn, Capt. Andrew Leet, Capt. James Fitch, Capt. Sam^{ll} Mason, Capt^{n} John Burr, W^{m} Pitkin, Capt. Dan. Witherly, Nath. Stanly, Capt. Caleb Stanly, Esq^{rs}. Capt. Moses Mansfeild, Capt. John Stanly, M^{r} Jehu Bur, M^{r} Tho. Trowbridg, M^{r} John Moore, M^{r} Tho. Hooker, M^{r} Henry Woolcot.

These were elected for the yeare ensueing,

Col. Robt. Treat, Esq^{r}, Gouernor,

W^{m} Joanes, Esq^{r}, Dept. Gov^{r}.

Assistants.

Samuel Willys, Esq^{r},	Capt. John Burr, Esq^{r},
Major Nathan Gold, Esq^{r},	W^{m} Pitkin, Esq^{r},
L. Col. John Allyn, Esq^{r},	Capt. Daniel Witherell, Esq^{r},
Capt. Andrew Leet, Esq^{r},	Nathan^{ll} Stanly, Esq^{r},
Capt. James Fitch, Esq^{r},	Capt. Caleb Stanly, Esq^{r},
Capt. Sam^{ll} Mason, Esq^{r},	Capt. Moses Mansfeild, Esq^{r}.*

Col. John Allyn, *Secr^{y}*, sworn.

Capt. Josep Whiting, *Treasurer.*

The Deputies are,

Capt^{n} Cip. Niccolls, M^{r} Steven Hosmor, for Hartford.
M^{r} Henry Woolcot, M^{r} John Moore, for Windsor.
Capt. Robt. Wells, L^{nt} John Buttolph, for Weathersfeild.
Capt. Nath. White, M^{r} John Hamlin, for Midleton.
L^{nt} Tho. Heart, Ens. John Judd, for Farmington.
L^{nt} Abram Dickerman for New Hauen.
Capt. Mathew Sherwood, M^{r} Nathan Gold, for Fayrefeild.

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* In place of Capt. Samuel Talcott, who died November 10th, 1691.

Capt. Jn° Graue, L^nt^ Nathan Bradley, for Guilford.
M^r^ W^m^ Ely, L^nt^ Abram Brunson, for Lyme.
M^r^ Tho. Yeale, for Wallingford.
Sam^ll^ Hoyte, Daniel Westcot, for Standford.
M^r^ Isack Wheeler, for Stonington.
L^nt^ James Auery, M^r^ W^m^ Duglas, for New London.
L^nt^ Ben. Brewster, Sarj. Rich. Bushnell, for Norwich.
[231] L^nt^ Eben. Stent, M^r^ John Frizby, for Brandford.
Ens. Tho. Judd, for Waterbury.
M^r^ W^m^ Dudly, M^r^ Rob^t^ Chapman, for Saybrook.
Capt. W^m^ Curtice, M^r^ Joseph Curtice, for Stratford.
Samuel Hayes, Thomas Betts, for Norwalk.
M^r^ Tho. Clark, M^r^ Sam^ll^ Newton, for Milford.
Daniel Braynard, for Haddum.
L^nt^ John Higley, for Simsbury.
Capt. Jn° Minor, L^nt^ Curtice, for Woodbury.

These were nominated and appoynted Com^rs^; for Windsor, M^r^ Henry Woolcot and M^r^ John Moore; for Simsbury, M^r^ John Higley; for Farmington, Capt. Jn° Stanly and L^nt^ Tho. Heart; for Waterbury, Ens. Tho. Jud; for Weathersfeild, Capt. John Chester, Capt. Robt. Wells, M^r^ Samuel Butlar; for Midleton, Capt. Nath. White, M^r^ John Hamlin, M^r^ W^m^ Cheeny; for Hadum, L^nt^ George Gates; for Norw^ch^, M^r^ Benj. Brewster and M^r^ John Birchwood; for Preston, M^r^ Brewster; for New London, Capt. James Auery and M^r^ Rich^d^ Christophers; for Lyme, M^r^ Mathew Griswould and M^r^ W^m^ Ely; for Saybrook, M^r^ Lynes and M^r^ Dudley; for Kellingworth, L^nt^ Henry Crane; for New Hauen, M^r^ Tho. Trowbridge; for Milford, M^r^ Alexander Bryant and M^r^ Tho. Clark; for Derby, Capt. Johnson; for Woodbury, Capt. Minor and L^nt^ Curtice; for Stratford, Capt^n^ W^m^ Curtice, M^r^ Jeri: Curtice and M^r^ Joseph Curtice; for Fayrefeild, M^r^ Jehu Bur; for Norwalk, Capt. Tho. Fitch and Capt. James Olmsteed; for Danbury, James Beebe; for Standford, Capt. Jonath. Silleck and L^nt^ Jonath. Bell; for Greenwich, M^r^ John Reinolds; M^r^ Moss and M^r^ Yale, for Wallingford.

Whereas in the Comissioners oath it is sayd Chosen by the plantation of W. &c, it is now ordered that the oat*h* shall run For the plantation of W. &c.

This Court grants liberty to Jacob Pachin, administrator to the estate of Samuel Grummin, late of Fayrefeild deceassed, to make sale of so much of the land of sayd Grummin as may discharge his just debts, which appeares to this Court to be about twenty pounds.

This Court frees the town of Danbury from payment of rates for the space of two yeares from the date hereof.

This Court grants to the inhabitants of the town of Danbury an inlargment of theire bowndes one mile to the sowthward of their former bowndes, and one mile to the northward of their former bowndes.*

Upon the petition of the inhabitants of the towne of Norwich and others, legatees and proprietors of the new plantation that is setleing aboue the towne of Norwich, this Court grants to the petitioners liberty of a township, with all liberties and priuiledges usually granted for the encouragment of the setleing new plantations, and exemption from paycing any country rates for the space of fower yeares, and order the name of the towne to be caled Windham, and the town brand to be, &; and the inhabitants are oblidged to improue their utmost endeauour to procure and mayntaine an able and faythfull ministry in the place, and beare all other towne charges as the law directs.

Upon the petition of Hanah Boxford, widdow, relict to Elnathan Boxford, late of Milford deceassed, for to make sale of som lands and for the payment of debts and legacies, this Court grants liberty to the sayd Hanah Boxford to make sale of so much land as necessity may require to pay and discharge those debts, wherein she is to aduise with Captain Clarke and Mr. Newton.

This Court were informed by the Governo^{r} that upon the motion of the Gouerno^{r} and Councill of Massachusets and the gent^{n} of the upper townes, that there were sent a captaine with fifty men (to guard those upper townes) from the county of Hartford. The Court did aproue of the same and order the

* The petition for an enlargement of the limits of Danbury is in Towns and Lands, I, 236, the report of the lay out of the bounds, signed by John Platt sen. and Samuel Hayes sen. is in the same volume, doc. 235.

charge thereof to be payd by the Treasurer out of the pub: treasury.*

Whereas the Gouernor hath with the Councill appoynted fiue hundred bushells of wheat to be secured for the countryes use till the last of this moneth, the Court order that the sayd wheat shall be continued and kept for the use of the country till the last of July next.

This Court upon the petition of Hanah Gibbs doe impower her to make a firme deed of sale to John Woolcot for that fifteen rod of land her husband sold to sayd Wolcot, he dyeing before he made a conveyance of the same.

Vpon the petition of seuerall of the inhabitants of Hartford on the east side of Conecticutt Riuer, that there may be a roade stated between Conecticut Riuer and the upland, for the conveniency of all good people trauelling that way, this Court doe therefore order that there shall be a road stated from s^d^ riuer of Conecticutt to the upland in the most conuenient place by the best judgment of M^r^ W^m^ Pitkin, Capt^n^ Cip: Niccols, and Deacon Hosmor, and they are allso apoynted to consider the bredth of the highway, and what the price of the land shall be which is taken for this seruice.

Joseph Whiting is appoynted Capt^n^ of the troope, Return Strong L^nt^, and Samuel Tallcot Cornet, and they are all to be commissionated accordingly.

[232] This Court being diuers wayes allarmed by the reporte of the approach of an enemie, both of French and Indians being comeing ouer the lake to doe spoyle upon the plantations in these partes, the Court doth order therefore that their be scouts appoynted to make discouery of the enemie, and that those in New Hauen and Fayrefeild county be imployed and directed *and directed* in their scouting how to manage their affayres by the Governor or any two Assistants, and those that are im-

* Secretary Addington, by order of the Governor and Council of Massachusetts, gave information Jan. 8, 169½, that a considerable body of Indians had come from Albany and set down near Deerfield and the towns adjacent, and requested if Col. Pynchon and the gentlemen of Hampshire county thought it necessary for a garrison to be posted at Deerfield until the rivers should be open, that Connecticut would supply fifty or sixty men for that purpose and give such further assistance as might be needed. War, II, 156.

ployed scouting in the townes of the county of Hartford be directed in their motions by Col. Allyn and the Assistants on the riuer, and the Court will alow three shillings p day a man and horss for those that shall be by order imployed in the seruice as afoarsayd the time they shall be imployed in it. And it is allso ordered that if there be any occassion to lead out any forces against the enemie to releiue any of our townes or neighboures from the county of Hartford, Captain Jonathan Bull shall be Capt^{n}, L^{nt} Stephen Hollister L^{nt}, and Joshua Wells Ensigne.

Steuen Burret is approued Capt^{n} of Stratford traine band, and James Judson L^{nt} of sayd band, and are to be comissioned accordingly.

This Court order that L^{nt} Nath. Merryman and Ens. Tho. Yale shall haue the rule and comand of the traine band of Wallingford for the present and till the court shall order otherwise.

This Court doe commissionat M^{r} Benj. Brewster to be L^{nt} of Norwich train band.

This Court doe nominate and appoynt Joseph Scill to be Captain of the train band of Lym.

This Court doe appoynt M^{r} Samuel Bryant Capt^{n} of Milford traine band.

This Court doe grant and appoynt M^{rs} Hannah Williams, relict of Augustine Williams of Kenilworth, to make a deed of exchange with M^{r} Josiah Rosseter for a parcell of land her husband made with M^{r} Rosseter in his life time and dyed before he had opportunity to make deeds for the same.

This Court grants the widow of Euen Dauys liberty to make sale of a small parcell of land in Weathersfeild of her husbands, to pay his just debts, with the aduice of Ens. Sandford one of the creditors.

This Court grants Solomon Tracey liberty as he is administrator to the estat of Thomas Slueman deceassed, *liberty* to make sale of a house and homsteed amounting to forty pownds in the inventory of sayd Slueman, prouided one hundred acres of land lyeing in Preston be reserued for the heirs of sayd Slueman.

Ens. Phillip Lewes petitions the Court they would doe him justice in the distribution of his fathers estate, the county court haueing alotted him a double portion of his fathers estate, which being remoued to the Court of Assistants, the court granted a distribution of the estate, and thirty pounds out of his fathers estate was to be payd him, sayd Phillip Lewes, as his portion out of his fathers estate; this Court haueing considered the same doe now order that they see no cause to make any alteration in the case from what the Court of Assistants ordered October last.

Mr Dauid Reynolds plntf. by way of appeale from the judgment of the Court of Assistants May 9, 1692, Mr Edward Hilliard and Samuel Preston defendnts, in an action of the case for non-performance of an awarde made and giuen by Mr Alexander Bryant, Mr Richd Edwards, Mr Jeri. Osborn, bearing date August 17, 1691, by which his neglect he hath forfeited his the sayd Reinolds bond or obligation to stand to and perform the award of the afoarsayd persons, to the damage of fiue hundred pounds. In this case the jury at the Court of Assistants find for the defendant fiue hundred pounds according to bond and cost of court; cost allowed to the defendant two pounds and three shillings. In this action the Court find for the defendant the forfeiture of the bond of fiue hundred pownds according to sayd bond and costs of court, yet notwithstanding, this Court, being willing to moderate the forfeiture of the bond by chancering the same, doe order that Mr Reinolds paycing the money to Edward Hilliard and Preston according to the awarde, and deliucring up Willys his bill of ladeing, and Gibses, to the arbitrators or any two of them to be endorced and deliuered to Hilliard, with the payment of cost of court to the sayd Edward Hilliard, is to be a finall release of sayd Reinolds from the forfeiture of his fiue hundred pownd bond. Upon faylure of Mr Reinolds accomplishing this, the forfeiture of the bond to stand good against Mr Reinolds and cost allowed by the Court of Assistants two, three shillings and cost of this Court six dayes attendance, twelue shillings.

Beuill Waters petitioning this Court that he may haue a

hearing at the Court of Assistants of his case that he was not allowed to proceed in the Court of Assistants May the 9th past, [233] the Court by their vote determined that || they would not grant him any farther heareing but order him to pay John Bigelowe twelue shillings cost.

This Court takeing notice of sundry ill reflections made upon the Honoured Governor and other members of the court in his paper and speeches in court by Beuill Waters doe impose upon him a fine of fiue pownds to be payd to the Colony Treasurer.

This Court doe for the present upon good considerations and till farther order free Daniel Braynard from training.

This Court doe for the present upon good consideration and till farther order free Nath. Hubbard from training.

This Court in order to the petition of the inhabitants of Windsor on the east side of Conecticut Riuer that they may haue liberty granted that the towne of Windsor may prouide two ministers the one to be for them, the Court findeing a difficulty ariseing in the case doe not see cause to issue it now, but appoynt Mr Wm Pitkin, Mr Tim: Woodbridge, and Mr Noadiah Russell, to meet at Windsor and to endeauoure to bring the people to a comfortable agreement between themselues for setleing the ministry to the best accomadating of the people, and to make report thereof to the Court at theire next session. The committee to meet on Thursday com seuennight at Windsor.

Wm Joanes Esqr, plntf. by way of appeale from the judgment of the Court of Assistants May 9th instant, Mr John and Steven Meeks defendants, which action is an action *is an action* of the case for unjust detayning from the sayd Wm and Hannah Joanes and other the heirs of the Honble Theophilus Eaton, Esqr, sometime of New Hauen, deceased, a lott of two acres and its appurtenances, comonly called Whans lott, being the lott of their father Theophilus Eaton, Esqr, deceassed, and neer his homesteed in New Hauen afoarsayd, to a surrender of sayd land or lot with its appurtenances to the plaintifes, with costs of court. In this action the Generall Court find for the defendants the land in controuersy and cost of courts.

Cost allowed is fiue pownds fowerteen shillings as p bill on file.*

This Court in answer to the petition of Isack Hall, return that they cannot see any reason to grant him any farther hearing of his case, seeing he and his brother haue referred the matter to arbitration, and the sayd arbitrators haueing issued their matters, and they oblidged to abide by the same, this Court doe see no reason to put any interuption to them or either of them, but aduise them to walke in loue and peace, and to be carefull to attend their respectiue engagements according to the sayd award and their bond.

Hez. Dickenson appeared before the Court and produced a writeing under Jacob Walkers hand, which certifyed that he purposed to prosecute his petition he presented to October Court last now, and Jacob Walker was called three times and appeared not, and Hezikiah Dickeson declared he was unsatisfyed with the issue of the Fayrefeild Court and desired to be

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* John Whan and his wife Lucretia were slaves belonging to Governor Eaton. They growing old and the woman being troublesome in the family, the governor built for them a small house at the head of his lot and allowed them the use of two acres of ground, and they worked for him three days in the week. About 1667, Whan, his wife being dead and he intending to go to his own people in New York, sold the land to Thomas Mix, sen., not without the knowledge of William Jones, Esq., who had married Hannah Eaton, heiress of all her father's lands in New Haven. At this time it was the general custom in Connecticut, which obtained until 1723, "that the real estate of any person, which either by descent or by will became the estate of his daughters, whether they were seized of it at the time of their marriage, or whether it descended or came to them during their coverture, became thereby the proper and sole estate of their husbands, and might be by him alienated or disposed of without the knowledge or consent of such wives." It was testified that Mr. Jones promised to confirm the title of Mix for forty shillings, which was all or most of it paid, that he was present when Thomas Mix lay upon his death bed and was making his will, (he died about the first of June, 1691,) and that he asked Thomas Mix to leave this land to his son, Stephen, when, for a small consideration, he would remove the incumbrance, and that the land was so left. Afterwards, Mrs. Jones, dissatisfied with the alienation of the land, brought, with the consent of her husband, suit for its recovery, before New Haven County Court, which decided in her favor, Nov., 1691. The defendants appealed to the Court of Assistants, and pleaded the Act of Limitation, passed May, 1684, (vol. III, 147.) The decision of the court below was reversed, and the reversal confirmed by the General Court. Misc. II, 1–9. Priv. Controversies, IV, 92–107. Rec. Co. of Assist., II, 14. Not acquiescing in the result, Mrs. Jones and her two sons, John and Isaac, by leave of her husband and their father, in an instrument dated May, 19, 1692, desired it might be recorded that they should stand for their right as lawful heirs of the lands of Theophilus Eaton, Esq. Col. Rec. of Deeds, &c., II, 215.

heard. The Court granted he should haue a hearing thereof in October Court next.

This Court grant liberty to and impower the administrators of the estate of the Reuerend Mr John Whiting to make a dead of sale of that land that was sold to Ensign Jacob White and John Catlin, for money for the payment of his debts.

This Court doe order that the Gouernor and Councill, consisting of seuen at least, in the interuales of the Generall Court are impowered *are impowered* to hear and determine all such necessary and emergent occassions as shall fall in in the enterualls of the Generall Court; and in case by sickness or other impediment the Assistants should fayle of coming together, this Court doe apoynt that so many of the deputies of the next townes shall be called by the Govr or Dept. Govr as may make up such number or numbers as shall be wanting, which sayd deputies are hereby impowered and required to attend in councill accordingly.

Whereas a murder hath been committed neer Norwich in the County of New London upon the body of Thomas Wheeler by an Indian, as allso seuerall Indians to the number of fiue wer allso murthered by him, and whereas it hath been reported by som that an Indian called the Black Sachem did instigate and hire the sayd Indian to commit these murthers, allthough the murtherer did kill himselfe, this Court doe therefore appoynt the worshipfull Captn Saml Mason to cause the sayd sachem called the Black Sachem to appeare before him, and if upon examination he findes him guilty of being an accessory in sayd facts, then to secure him for a tryall, and allso what concernes the Indians this Court leaues it with them to use their owne meathodes concerning their affayres.

This Court doe appoynt John Prentice under the inspection of Major Winthrop to bee Captaine of the Forte at New London, and [he] is to be comissionated accordingly. And this Court doe grant him the sum of tenn pownds for his seruice till the last of October next.

This Court saw no reason to giue any answer of their sence of the law concerning that law an addition to the law, title Ministers Mayntenance.

This Court doe approue Georg Gates to be Capt^{n}, James Wells L^{nt}, and Thomas Clark to be Ensign, of Haddum traine [band], and order that they be comissionated accordingly.

This Court doe not see reason to confirm those nominated for officers on the east side the riuer at New London at present, but doe appoynt Captain James Auery to be Capt^{n} of sayd company, and James Morgan L^{nt}, and John Auery to be Ensign of sayd company untill the Honoured Major Generall and M^{r} Witherell shall see cause to lead them to a new choys of officers.

[234] This Court doe order and appoynt L^{nt} Col. John Allyn to take care of Farmington, to lead the traine band theire to a choyse of millitary officers, and to doe it so as it may be presented to the next session of this Court for confirmation.

It is ordered by this Court there shall be an abatement upon oxen, cowes, and horses, in their price in the list of estate twenty shillings apeice or head.

It is ordered by this Court that the price of the meadow land in Weathersfeild, Hartford, and Windsor, shall be abatted or brought down ten shillings an acre, euery acre, from the price it was at by the last assesment in 76, and the improued upland in Weathersfeild and Hartford shall be abatted seuen shillings upon the acre, all besides the home lots, and all the rest of the lands in the County of Hartford (excepting home lots, both meadow and upland, to be abatted according to this proportion of seuen shillings p acre.

The Generall Court did appoynt the Secret^{r}y to write a congratulatory letter to S^{r} W^{m} Phips, to congratulate his safe arriuall into this country.

The Court is adjourned till the Gov^{r} or Deputy see cause to call it.

[The following order of this session, found both in the Windsor and the Stanly MSS., was omitted from the record.]

Complaint being made to this Court y^{t} divers shoemakers doe tann leather and make it into ware whereby y^{e} sealing of such lether according to law is prevented frequently and bad leather wrought up to y^{e} greate wrong of y^{e} buyer thereof, for prevention whereof it is now ordered y^{t} y^{e} lether sealers shall haue power to search at any time for such ware shooes or

boots, and if they judge y^e^ lether of y^e^ s^d^ ware to be insufficient they shall seize y^e^ same and it shall be forfeit and disposed of as unsealed lether y^t^ is offered to sale unsealed, unless it can be made to appeare to y^e^ sattisfaction of such as haue y^e^ determination of y^e^ case y^t^ y^e^ s^d^ ware shoes or bootes was made of lether lawfully sealed.

A Speciall Generall Court held at Hartford, June 22^th^, 1692.

Col. Robt. Treat, Esq^r^, Gov^r^.
W^m^ Joanes, Esq^r^, Dep^t^ Gov^r^.
Major Nathan Gold,
L^nt^ Col. John Allyn,
Capt. Andrew Leete,
Capt. James Fitch,
Capt. Sam^ll^ Mason,
Capt. John Burr,
M^r^ W^m^ Pitkin,
M^r^ Nath. Stanly,
Capt. Caleb Stanly.

Deputies.

Capt^n^ Cip: Niccols, M^r^ Stephen Hosmor, for Hartford.
M^r^ Henry Woolcot, for Windsor.
Capt. Rob^t^ Wells, L^nt^ Jn^o^ Buttolph, for Weathersfeild.
L^nt^ Abram Dickerman, for New Hauen.
Capt. Math. Sherwood, for Fayrefeild.
M^r^ Tho. Clarke, M^r^ Sam^ll^ Newton, for Milford.
Capt. W^m^ Curtice, M^r^ Joseph Curtice, for Stratford.
M^r^ Ben. Brewster, Sarj. Rich^d^ Bushnell, for Norwich.
M^r^ W^m^ Ely, L^nt^ Isack Brunson, for Lyme.
Rob^t^ Chapman, for Saybrook.
Capt. Nath. White, M^r^ John Hamlin, for Midleton.
M^r^ John Yale, for Wallingford.
Ens. Sam^ll^ Rigs, for Derby.
M^r^ Tho. Heart, M^r^ John Judd, for Farmington.
Capt. Jn^o^ Graue, L^nt^ Steph. Bradly, for Guilford.
L^nt^ Israel Curtice, for Woodbury.
M^r^ John Higly, for Simsbury.
M^r^ Dan. Braynard, for Hadum.
L^nt^ Eli. Stent, M^r^ John Frisby, for Brandford.
M^r^ Sam^ll^ Hayes, for Norwalk.
M^r^ Tho: Judd, for Waterbury.

This Court grants the administrators of the estate of Edward Worcester, deceassed, full power to disspose of such lands as may be best spared to sale for the payment of just debts, they takeing the aduice of Capt. Eben. Johnson and Ens. Riggs therein.

This Court names the towne at Nabuck ouer against Weathersfeild, Glassenbury.

This Court confirmes the former prouission made May last for a Councill, to manage the publique affayres of the Colony in the interualls of the Generall Court, to stand till October next.

Whereas there are at present in the county of Fayrefeild seuerall persons in durance upon capitall crimes, which are not soe capeable to be brought to a tryall at the usuall Court of Assistants, by reason of the multiplicity of witnesses that may be concerned in the case, &c. this Court doe grant to the Governor, Deputy Governor and Assistants, to the number of seuen at the least, a commission of oyer and terminer, to keep a speciall court in Fayrefeild the 2d Wednesday in December next, to hear and determine all such capitall cases and complaints as shall be brought before the sayd court.*

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* The late William L. Stone, while residing in Hartford as editor of the *Connecticut Mirror*, discovered among a mass of ancient colonial papers in the possession of the Wyllys family, a large bundle carefully filed away and labelled Trials for Witchcraft. It contained the proceedings of the special court of oyer and terminer held at Fairfield, September 19th, 1692. Secretary Allyn obviously made an error in writing *December*, but if the court was held upon the second Wednesday in September, that day came on the 14th of the month in 1692.

The court consisted of Robert Treat, Esq., Governor, William Jones, Esq., Deputy Governor, John Allyn, Secretary, Mr. Andrew Leete, Capt. John Burr, Mr. William Pitkin, Capt. Moses Mansfield. The grand-jurors impannelled were Mr. Joseph Bayard, Samuel Ward, Edward Hayward, Peter Ferris, Jonas Waterbury, John Bowers, Samuel Sherman, Samuel Galpin, Ebenezer Booth, John Platt, Christopher Comstock, William Reed. The petit jury were James Beers, Isaac Wheeler, John Osborn, John Miles, Ambrose Thompson, John Hubby, John Bowton, Samuel Hayes, Eleazar Slawson, John Belding, John Wakerman, Joseph Rowland.

At this court Mercy Disborough of Compo in Fairfield, goody Miller, goodwife, alias Elizabeth, Clawson, and Mrs. Staples, were indicted for familiarity with Satan. The testimony introduced in support of the charge was exceedingly voluminous. Mr. Stone states that probably 200 depositions were taken, some of which he published in the *New York Commercial Advertiser* for July 14th and 15th, 1820, and they were reprinted in the *New York Spectator*, July 18th, and in the *Times and Weekly Advertiser*, Hartford, August 8th, 1820.

The evidence was much of the same nature as in other cases of this crime. The

This Court ordered that the letter drawn up for Sr Wm Phips, &c. be signed by the Secretry in the name and by order of the Generall Court and sent to him the first oppertunety.*

Upon the petition of the inhabitants of Windsor on the east side of Conecticut Riuer, that they might procure liberty for two ministers for the towne of Windsor setled amongst them, to be mayntayned by the whole towne, &c.; this Court haueing considered the same doe not finde the estate of that people to be such as may at this prsent encourage this Court to grant

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water ordeal was resorted to, as it had been in Hartford, in 1662; four witnesses swore that Mercy Disborough being bound hand and foot and put into the water swam like a cork, though one labored to press her down. Eliz. Clawson also floated.

The court assembled again at the same place October 28th, 1692, and further testimony was taken; a single deposition taken in this case (which relates to an examination of the persons of two of the accused,) remains in our archives, Crimes and Misdemeanors, Vol. I, doc. 187. Elizabeth Clawson, goody Miller and Mrs. Staples were acquitted. The jury returned that they found Mercy Disborough guilty according to the indictment. Being sent forth upon a second consideration of their verdict, they returned that they saw no reason to alter it but found her guilty as before. The court approved of their verdict, and the Governor passed sentence of death upon her. There was, Mr. Stone says, a memorial to the General Assembly in her behalf, drawn up with considerable ingenuity and ability, praying for a pardon, and setting forth weighty reasons why it ought to be granted. We may conclude that she escaped with her life, unless there was another person of the same name in the town, for the Fairfield Probate Records shew that Mercy Disborough, widow of Thomas, was living in 1707, when with her son she was appointed to administer on her husband's estate.

Mr. Stone made use of some of the names and incidents of this trial in the first story of his work entitled Tales and Sketches, 2 vols. 12mo., New York, 1834.

* Sir William Phips had written June 2d, informing the government of Connecticut of his arrival with the Massachusetts charter and of his own appointment as Governor of that Province, and also acquainting them that their Majesties had been pleased to appoint him their Lieutenant and Commander-in-chief of the militia, and of all the forces by sea and land, within their Majesties' several Colonies of Connecticut, Rhode Island and Providence Plantations, the Narragansett country or King's Province, and Province of New Hampshire. He desired that some fit person should be appointed to attend him at Boston with an account of the present state of the militia, forces, forts, &c. within Connecticut, and the names of the persons at present in command, directing that till there should be a further settlement of the militia, the present officers should take effectual care that necessary watches and wards be duly attended. War, II, 158. Upon the receipt of this letter Governor Treat convened the General Assembly. In their answer, which seems to have been drawn by William Pitkin, after congratulating him upon his safe arrival, they express surprise at the contents respecting the militia, supposing it well known to his excellency that the government of the militia is vested in the Governor and Company here, by charter, who have faithfully used that power; that having no orders from their Majesties directly to them they know not where better to take their directions than from the charter, yet they are willing according to their ability to contribute their aid to any thing tending to the common safety, and to go their farthest consistent with the conservation of their charter privileges. War, II, 159.

there petition, and therefore the Court doe recommend it to the inhabitants of Windsor to a hearty endeauour in the first place to setle a comfortable mayntenance to their present minister, and then that they doe freely grant the people on that side to prouide for the setlement of a minister on that side in some good way of theire one agreement, for this Court sees that after a litle patience the necessity of the case will call for it, and it will be of necessity two haue two places of pub: worship in that towne, one of each side the riuer.

Ens. Phillip Lewes petitioning this Court for a farther hearing of the case wherein he is dissatisfyed about his father's estate, the Court by their vote declared that they saw no reason to giue a farther hearing about it.

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[235] A Generall Court held at Hartford, October 13, 1692.

Col. Robt Treat, Esqr Govr, Captn Saml Mason,
Wm Joanes, Esqr, Dept Govr, Mr John Burr,
Mr Samuel Willys, Mr Nath. Stanly,
Lnt Col. John Allyn, Captn Caleb Stanly,
Captn And: Leete, Capt. Moses Mansfeild.
Captn James Fitch,

Deputies.

Capt. Cip: Niccols, Mr Stephen Hosmor, for Hartford.
Mr Henry Wolcot, Mr John Moore, for Windsor.
Captn Robt Wells, Mr John Buttolph, for Weathersfeild.
Lnt Abram Dickerman, Mr John Allyn, for N. Hauen.
Mr Tho. Clarke, Mr Sam. Newton, for Milford.
Capt. James Morgan, Ens. Clement Minor, for N. London.
Mr John Wakeman, Mr Nath. Burr, for Fayrefeild.
Mr James Judson, Mr Ephraim Stiles, for Stratford.
Mr Benj. Brewster, Mr Richd Bushnell, for Norwich.
Mr Tho. Yale, for Wallingford.
Abram Ambler, Danll Westcot, for Standford.
Dan. Braynard, for Haddum.
Samll Buell, for Kellingworth.
Ens. Samll Rigs, for Derby.

Capt. James Olmsted, Mr John Platt, for Norwake.
Capt. John Graue, Lnt Nathan Bradley, for Guilford.
Deacon Wm Dudley, Deacon Wm Parker, for Saybrook.
Lnt Tho. Heart, Ens. Jno Judd, for Farmington.
Lnt Iserall Curtice, for Woodbury.
Capt. Nath. White, Mr John Hamlin, for Midleton.
Lnt Eben. Stent, Mr John Frizby, for Brandford.
Ens. Tho. Judd, for Waterbury.

This Court appoynt Capt. Fitch, Capt. Stanly, Capt. Mansfeild, and Mr Hamlin, to audite the Treasurer's accot.

The persons and estates of the Colony and seuerall townes are as followeth,

Persons.	*ll.*	*s.*	*d.*	*Persons.*	*ll.*	*d.*	*s.*
274 Hartford,	16633	00	00	104 Farmington,	06155	00	00
290 Windsor,	14339	00	00	090 Norwalke,	05004	00	00
316 New Hauen,	14546	00	00	063 Haddum,	02607	00	00
173 Fayrefeild,	10642	00	00	043 Watterbury,	01640	00	00
102 Norwich,	05569	00	00	037 Derby,	01559	00	00
120 Guilford,	07032	00	00	045 Kenilworth,	02159	00	00
110 Midleton,	05116	00	00	130 Stratford,	08384	00	00
075 Lyme,	04438	00	00	065 Greenwich,	03010	00	00
052 Woodbury,	02476	00	00	108 Standford,	04921	00	00
080 Wallingford,	03827	00	00	Simsbury,			
160 Milford,	09171	00	00	201 Weathersfeild,	11198	00	00
088 Stoneington,	04864	00	00	065 Brandford,	03817	00	00
180 New London,	08799	00	00	098 Saybrooke,	05072	00	00

This Court doe nominate and appoynt Captn Niccols, Mr Steven Hosmor, Leiutenant Buttolph, Lnt Eli. Stent, and Deacon Parker, to perfect those lists that are defectiue and allso bring them in to the Court forthwith.

The Govr haueing giuen an accot how far they haue proceeded against Eliz. Clawson and Mercy Disborough by reason that the jury could not agree to make a verdict, this Court desire the Governor to appoynt time for the sayd Court to meet againe as soone as may be, and that the jury be called together and that they make a verdict upon the case and the Court to put a finall issue thereto.

This Court frees Wm Barber, by reason of his woundes and ayles that doe attend him, from trayneing and country rates.

This Court doe grant unto John Woodroofe, executor to

John Woodroofe deceassed, power to make a deed of sale for one acre of land sold by his father to Samuel Woodroofe. The parcell of land is one acre of meadow.

This Court grants the administrators of Georg Sanders liberty to make sale of so much land as is necessary to pay his just debts, which are more then his personall estate, prouided what is put to sale be directed by Samuel Wilcoxson and Thomas Barber.

This Court grants Hanah Sandford, widow, of Milford, power to make a deed of sale to Georg Clarke, for confirming to him his heires and assignes a parcell of land sold to him by her husband Sam[ll] Sandford late of Milford deceassed.

This Court did see reason to declare that there is a necessity of the erecting of a bridg at Wallingford ouer New Hauen Riuer.

This Court orders that the people of New Hauen and Wallingford shall forthwith build a sufficient horse bridge ouer New Hauen Riuer at the place where Brockets bridg *bridge* formerly stood, and if in case they may see reason to build a cart bridg they may doe it, and that it may be mayntayned for the future by the two townes in good repayre by equall proportion according to the list of their estates in each towne.

This Court grants the constable of Haddam, James Wells, 20*s*. with the Treasurer for loss of corne in the country rate in his yeare.

[236] Whereas in the law, title Millitary Affayres, paragraph the 4[th], it is sayd that all the souldiers in this Jurisdiction shall be trayned at least six times within the year, in the moneths of March, Aprill, May, September, October, and Nouember, by and according to the appoyntment of their captain or other cheife officer, it is now by this Court ordered that it shall be in the power of the cheife millitary officer to call them forth in each of the moneths aboue named, or in any one of them, as he shall see most advantagious.

As an adition to the law, title Rates, fo. 61, it is now bythis Court ordered that such catle as are left out of the list shall be forfeited, or the value of them as they are valued in the list of estates, prouided all such complaints be prosecuted within one twelue moneth after such neglects or forfeitures.

This Court orders that in case New Hauen and Wallingford doe not make theire bridge pasable for horse and foote ouer New Hauen Riuer betwin this and the midle of December next, they shall pay fiue pounds a moneth to the pub: treasury as a forfeiture for their neglect, till they do so finish the sayd bridge.

Whereas this Court haue formerly ordered that such as neglect to giue in a true account of their cattell, swine, and horses, they shall be forfeited as the law directs, this Court as an adition to the sayd order now see cause to order that theire shall be one man in each town in this Colony chosen by the towne and sworn by the authority to present all such persons as shall neglect to giue in a true account of their stockes and cattell, to the next county court in the county, whoe are to take such forfeitures or the value of them as shall be proued before them and diuide it according to lawe.

You A. B. being chosen to present all such person or persons as shall neglect to giue in a true acco^{t} of theire stocks of cattell horss and swine to the list makers according to law doe swear by the name of God that you will without fauoure and affection attend the duty of your place; so help you God in our Lord Jesus.

It is allso ordered by this Court that if any chosen to attend this office and take this office and take the oath, he shall pay a fine of fourty shillings to the towne treasury if he refuse to accept of the place and take the oath.

This Court ordered that for and after the next election the nomination for Assistants shall be as formerly made by the Generall Court in October annually, onely all those that stand for nomination shall pass through the election, and those that shall haue the most voates for to be Assistants shall be declared to be Assistants for the year ensueing.

This Court grant unto Evert Ryder the sume of twenty eight pownds and thirteen shillings in country pay for the damage our souldiers and their horses did him there.

This Court grant unto Stephen Peirc, late constable of Derby, the sume of forty shillings which he hath not as yet payd to the treasurer, that the treasurer allow it him on the acco^{t} as payd.

Mrs Elizebeth Wheeler is plaintife by way of appeale from the Court of Assistants October 6t, 1692, and Samuel Bebee defendant, which action was an action of debt due for a certain quantity of hhd. staues sold by sayd Bebee to her sayd Elizabeth her late husband, debt and damage twenty pownd; in which action the jury found at New London for Beebe the plntf. the price of fower thousand staues and cost of court one pownd ten and six pence, the same verdict was brought in agayn by the jury that they [found] for the defendant the price of the hhd. staues and cost of court. In this action the court find for the plntf. cost of court this court. Cost allowed fower pownds eight and six pence.

This Court grant unto Thomas Morgan three pownds for a horss he lost in the seruice of the country in Sr Edmunds time.

This Court orders that the constables shall make up their payments to the treasurer of their country rates and their accounts, some time in the moneth of June or sooner annually, and the constables are to be allowed for their coming up to make their accots up with the treasurer in the moneth of June post wages. This order to be attended upon the former penalty.

This Court haueing heard and considered the matter of Wallingford in respect of their millitary officers, doe declare that they cannot see reason to confirm the former choyse of military officers formerly, but doe order and appoynt Lnt Col. John Allyn and Capt. Caleb Stanly in som convenient time to appoynt a meeting of the trayne souldiers in Wallingford, and to lead them to an orderly choyse of a captain, liuetenant, and ensign, and sarjts, and they are to receiue blanck commissions [237] from the Govr, and upon the choys, if they approue || of the sayd choyse, they are to deliuer such as shall be chosen commissions impowering of them to take the charge of the traine band of Wallingford under their care and disciplin according to law.

This Court takeing notice that former orders respecting taners have not been sufficient to prevent inconvenience that doe arise by their unskillfullnes in that mistery or trade of

taning that doe use it, for the prevention whereof, this Court doe order that after the publication hereof no person whatsoeuer shall set up any tan vatts, or exercise or use that trade, without he doe manifest his skill to the county court and to obtayn their liberty to set up and manage that trade and attend order in the management thereof, upon the penalty of the forfeiture of fifty pownds, the one halfe to the pub: treasury and the other halfe to the complayners and prosecutors thereof.

Upon the application of the towne of Windham, this Court doe see reason to order that for the present and untill other order be made the rates of the plantation for the ministry and other towne charges be raysed upon lands according to the agreement of the proprietors of the sayd land.

This Court upon the motion of the inhabitants of Preston did see reason to appoynt Mr Samuel Chester of New London and Mr John Post, with Lnt Tho. Leffingwell, they or any two of them, to lay out the line between Preston and Stoneington according to the former grants of this Court.

This Court grants Mr Underhill of Rye thirty shillings for his expence at the court, to be payd at Standford out of the country rate, and to Zachary Roberts out of the same rate fifteen shillings for his expences this court.

There being a petition presented to this court by the church of Windsor wherein they alledg that they are kept out of a certain parcell or tract of meadow and swamp bequeathed to them by Mrs Jane Hosford, the land being in the hands of some of John Hosfords heirs who object that sayd Mrs Jane Hosford is not deceassed, this Court considering that Mrs Hosford was aged when she went to England and hath been there for neer the space of forty yeares and not heard of for some yeares past, this Court see cause to declare that except it can be made to appear that she is aliue or hath been heard of to be aliue within seuen yeares past, *this Court see cause to declare that except it can be made to appear that she is aliue or hath been heard of to be aliue within some yeares past*, she shall be deemed to be dead in law.

This Court appoynts Ens. Nathan Gold, Lnt Cornelius Hull,

and Mr John Wakeman, they or any two of them, to lay out to Mr John Burr and the heirs of Mr Jehue Burr their respectiue grants of land according to their grants.

Mr Nathan Gold junr and Mr John Wakeman are by this Court appoynted to lay out to Lnt Hull his grant of land according to his grant.

This Court grant a rate of three pence upon the pownd of all the rateable estate in the Colony, to be payd in good merchantable wheat at 4*s*. 6*d*. p bushell, pease and rye at three shillings p bushell, and indian corne at 2*s*. 6*d*. p bushell, and porck at 3*l*. 10*s*. p barell, beife forty shillings p barell, all well repact.

This Courts grants the Governor his sallery the sume of one hundred pownds for this year.

This Court grants the Dept Governor for his sallery the sume of forty powndes for this yeare.

This Court grants the Secretary for his sallary the sume of twenty fiue pownds for this yeare.

And the Marshall is allowed fifteen pownds for his sallary this year, and to the prison keeper for his sallary this yeare *and to the prison keeper for his sallary* the sume of tenn pownds.

The Court grants Major Gold fifteen pownd for his seruice this yeare.

This Court grants fiue pownds towards the building of a well for the prison, the rest to be at the charge of Hartford county to finish it.

Whereas it canot but be expected that in the interualls of the Generall Court there may occasions fall in which may call for consideration and determination, this Court doe therfore order that whatsoeuer matter of difficulty and emergency falls in between this and the Court of Election in May next this Court leaues it with the Governor or Deputy Governor and the Assistants that shall be conveened, prouided there be seuen with the Governor or Deputy Governor, but in case their should fayle a number of Assistants, the Govr is to make up their number out of the deputies of the three townes, viz. Hartford, Windsor and Weathersfeild, to consider and issue the same, allwayes prouided they doe not intermedle with the

altering or parting with any of our charter rights and priuiledges without the consent and appoyntment of our Generall Court.

This Court by their voat did approue of the letter drawn up for S^r^ W^m^ Phips, and order it to be signed by the Secretary in the name of the Governo^r^ and Court and sent to S^r^ W^m^ Phips.

This Court by their vote did approue of the addresse drawn up by this Court and order it to be signed by the Secretary in the name of the Governo^r^ and Court.

Whereas complaynt is exhibited to this Court of difficulties and obstructions in the country roade between the townes of Saybrook and Kenilworth, this Court haueing considered the premises and seeing absolute necessity of a speedy redresse in the case, doe order and appoynt Capt. John Graue and L^nt^ Steuen Bradley of Guilford, John Whitlesey sen^r^, and John Parker sen^r^, of Saybrooke, Samuel Buell sen^r^ and John Griswold of Kenilworth, to be a comittee to suruay and setle the sayd roade in as straight a line as they can from Saybrooke mill, viz. L^nt^ Joanes mill, to aboue sayd Samuell Buells house in Kenilworth, or in the most conuenient place they can finde for [238] the end || afoarsayd, and Kenilworth people to make and mayntaine the bridg ouer Eight Mill Riuer in what place sayd comitte shall appoynt; and the sayd road being setled by the committe, Saybrook and Kenilworth people are hereby ordered and required forthwith to clear the sayd road and marke it out in their respectiue bownds according to law, the charge of the aboue sayd committee to be equally defrayed by sayd townes of Saybrook and Kenilworth.

This Court by their vote did declare that all fence-veiwers for the future be under oath.

This Court grants liberty to M^r^ Thomas Wells to pass ouer one acre and rood of meadow to M^rs^ Bidwell, the relict of John Bidwell, for the heirs of s^d^ John Bidwell.

Whereas information is giuen to this Court the branders hath taken branded and sold horses branded and markt and put the town brand on them, this Court judg it illegall and contrary to law, and that due care be taken by the authority to suppress and prevent such irregularities and that they be cryed according to former order.

This Court upon request of Owanecoe doe fully approue of those lands of Uncass which were by him giuen to Josiah, whoe is since deceassed, be and belong to Mawhumett for the future, and doe declare that Mawhomet is and ought to be the next rightfull sachem of Mowheeg after Owanecoe.*

And whereas Owanecoe hath desired that his fathers lands recorded to him may be confirmed to him and his son Mahomet, and that they may not pass it away to any without it be by the consent of Captn Samuel Mason and be acknowledged before him, which this Court allowes of.

Whereas Cassinimon is deceassed and the Pequots thereby destitute of a present Governor, this Court doe nominate, appoynt, and impower, Daniell and Mamohoe to be cheife rulers and governors of the Pequotts, whoe are required to obey them as their Governors and to attend such orders and directions as they shall receiue from them, and this Court doe appoynt Tonmanquorit, Mishshunck, Quashshewitt, Pishownooh, Cheegorup, Ephraim, Negonood, Weantaquanteag, to be counsellors unto the sayd Daniel and Mamahoe, and assistants to them in the goverment of sayd Pequits, and according as any difficulties shall arise amongst them they are to repayre to Capt. Samll Mason, Capt. James Morgan, Captn John Stanton, and Lnt John Morgan, for their aduice and direction in theire affayres; and this Court desires all the Pequits to carry it respectiuely towards Kutchamaquan, Mawmochoes son, who is looked upon as the next person in the gouerment if God please to quallify him for it.

This Court do grant their countenance to Joseph the son of Cattapeset, and doe accot him to be the next heire of his father, and that his fathers lands doe properly belong to him as heire, and it is the pleasure of the Court that Ninicroft doe not interupt Joseph right of lands or hunting upon them without sayd Josephs consent and rendering him his dues.

The Court is adjourned till the Govr or Dept see cause to call them againe.

* Upon Owanecoe's request, the General Assembly, Oct. 19th, 1692, allowed the genealogy of Uncas to be recorded. Colony Record of Deeds &c. iii, 312. The genealogy is printed in the N. E. Genealogical Register, x, 227.

A Speciall Generall Court held at Hartford, February 21, 1693.

Col. Rob. Treat, Esq^{r}, Gov^{r}.
W^{m} Joanes, Esq^{r}, Dep^{t} Gov^{r}.

Major Nathan Gold,	Capt. Sam^{ll} Mason,
L^{nt} Col. John Allyn,	Capt. Dan. Witherle,
M^{r} Nath. Stanly,	M^{r} W^{m} Pitkin,
Capt. Caleb Stanly,	Capt. Moses Mansfeild,

Deputies.

Capt. Cip. Nicolls, M^{r} Steven Hosmor, for Hartford.
M^{r} Henry Woolcot, M^{r} John Moore, for Windsor.
Capt. Rob^{t} Wells, for Weathersfeild.
M^{r} John Wells, for New Hauen.
M^{r} Tho. Clark, M^{r} Sam^{ll} Newton, for Milford.
M^{r} Nath. White, M^{r} John Hamlin, for Midleton.

This Court made choyse of M^{r} W^{m} Whiting to be Marshall for this Colony for the future.*

The Gouerno^{r} haueing presented to this Court a letter from some gent^{n} of New York, dated Feb. 15th, 169$\frac{2}{3}$, informing that the French and Indians haue inuaded a part of their Maties dominions and are in posession of two of the neerest of the Maquas castles, and desireing us to send to their ayde forthwith two hundred men with armes ammunition and prouission, the Court, haueing considered the premises, doe order that forthwith theire be one hundred and fifty men raysed with armes ammunition and prouission, and that fifty of them be dragoones, and upon their march forthwith to Albany, and the Governo^{r} and Councill are hereby authorized to disspatch away the whole one hundred and fifty to Albany or elswhere according to their best discression for [their] Ma^{ties} interest and seruice as may be most conuenient and aduantagious in their judgments to repell, kill, and destroy the enemy, as they may, as allso to giue such commissions, orders, and instructions, for the expedition or return, as they shall haue intelligence of the enemies remayning or being departed out of their Ma^{ties} dominions.

* George Graves, the former Marshall died December 3, 1692.

[239] New Hauens proportion for this expedition is thirty seuen, Fayrefeild County is thirty fiue, New London Countyes proportion is twenty eight.

John Miles is appoynted Capt^{n} for the sayd company, James Benit is appoynted Liutenant for the sayd company, and Manassah Minor Ensigne.

This Court for the more speedy expedition did order that the troope, to the number of fifty of them besides officers, and are to be upon their march forthwith, and to meet at Hartford compleat in their armes tomorrow, furnished for a march, and to receive their orders of the Governor and Councill, and the sayd Capt. of the s^{d} troop is to summon the troop to meet as afoars^{d} by ten of the clock in the morning.

This Court made choyse of Capt^{n} Caleb Standly Commisary for the Colony and county of Hartford, and John Winston jun^{r} is chosen comissary for the county of New Hauen, and M^{r} John Burr is chosen for Fayrefeild county, and M^{r} Richard Christopher is appoynted Comisary for New London county.

This Court grants M^{r} Richard Edwards fiue pownds in money, or seuen pownds ten shillings in pay, for damage he receiued in porck in that he let the country haue, and whereas he hath lent his sister a bed and som couering in prison, the court refer it to the Assistants upon the place to consider of the same and to allow unto him what is necessary for it.

Whereas this Court are credibly informed that some persons in seuerall townes of this Colony disafected to the present goverment haue opposed and threatned the constables and other officers in discharge of their office and collecting the Colony rates and other rates, in the contempt of the present goverment and against the peace of our souereign Lord and Lady the King and Queens Ma^{ties}, and to the great offence and discouragement of theire Maties loyall and good subjects; this Court doe therefore order that the authority in each county of this Colony, or some of them as there may be need, doe take due care to proceed against such offenders according to law, for prevention of such misdemeano^{rs} for the future and preseruation of the peace.

A Generall Court held at Hartford by speciall order from the Govr, March 6, 169⅔.

Col. Robt Treat, Esqr, Govr,
Wm Joanes, Esqr, Dep. Go.

Lnt Col. John Allyn,
Capt. James Fitch,
Capt. John Burr,
Mr Wm Pitkin,
Mr Nath. Stanly,
Capt. Caleb Stanly,
Capt. Moses Mansfeild.

Deputies.

Mr Cip. Niccols, Mr Steph. Hosmor, for Hartford.
Mr Henry Woolcot, Mr John Moore, for Windsor.
Capt. Robt Wells, for Weathersfeild.
Lnt Abram Dickerman, Mr John Allyn, for N. Hauen.
Mr Tho. Clarke, Mr Sam. Newton, for Milford.
Mr Nath. Burr, for Fayrefeild.
Mr Ephraim Stiles, for Stratford.
Capt. Nath. White, Mr John Hamlin, for Midleton.
Lnt Tho. Heart, Ens. John Jud, for Farmington.
Sarj. Richard Bushnel, for Norwich.
Mr John Platt, for Norwalk.
Captn John Graue, for Guilford.
Capt. Tho. Yale, for Walingford.

The Gouernor informed the Court that the occasion of the calling the Court now to meet was that he had receiued a letter from Sr Wm Phips, which was brought hither by the Honoured Col. Pynchon and Captn Cook, demanding or assistance with a hundred men and fifty Indians, which letter was read in court and considered by the court.

The Generall Court by their voate granted that a captains company of sixty fower men shall be sent to joyne with the Massachusets in the present expedition against the enemie to the eastward, to defeat them of their fishing and planting if it may be.

The Court appoynt Wm Whiting Captn of this company, and Stephen Hollister Leiutenant, to be Lnt for the sayd company, and Jos. Curtice of Stratford Ensigne.

This Court granted that thirty Indians should be sent out

allso upon this expedition. This Court left it with Capt^{n} Fitch, Capt^{n} Mason, and Capt^{n} Witherell, to procure a suitable man to lead them forth in this seruice.

The Court allowes euery priuate souldier ten shillings p week for this expedition, the corporals eleuen shillings p week, sarj^{ts} twelue shillings p weeke, ensignes sixteen shillings p week, l^{nts} nineteen shillings p week, the capt^{n} is allowed 28*s*. p week for this expeditiō. The Indians are to be allowed six shillings p week in paye.

M^{r} Ickabod Wells is appoynted to be Comissary for this expedition and is allowed eighteen shillings p week.

This Court allowes the seuerall souldiers that goe forth upon this expedition a monthes credit to prepare themselues for this seruice.

This Court uoted that forty or fifty men should be prepared and sent up to the upper townes to garison those townes, if oc-
[240] casion be for it, and they send for them and will ‖ maynteine them with prouission suitably at their and their Colonyes charge. Allso, if any invassion should be made upon the said uper townes by the comon enemy, that one hundred or one hundred and fifty men shall be sent to their releife.

This Court granted M^{r} W^{m} Gibons fiue pownds in cash, or seuen pownd ten in pay, for the ten barrells of porck we rece^{d} of him upon the countryes acco^{t}, as we granted M^{r} Edwards upon the same acco^{t}.

Whatsoeuer shall be necessary to be done for the management of this affayre we are engaged in, this Court impowers the Governo^{r} and Councill to order and disspatch the same according to their best skill and abillity.

This Court grants a rate of a penny upon the pownd of all the rateable estate in the Colony, upon the credit of which the Court doe order the Treasurer for our present necessity to borrow some money upon reasonable use, as he shall receiue directions from the Gov^{r} and Councill.

This Court approues of the letter drawn to his Excelency S^{r} W^{m} Phips and hauing appoynted M^{r} Nath. Stanly and Capt. W^{m} Whiting to wayte upon his Excelency they doe order the Secretary to signe the letter in the name of the Court, and

giue it then to the sayd Stanly to conuay it and deliuer it his Excelency, and the Court approues of the instructions drawn up for them and the Secretary is to signe it in the name of the Court, whoe are to return wth all speed.

A Court of Election held at Hartford, May 11th, 1693.

These were nominated to stand for election.

Col. Robt. Treat, Esq^{r}, W^{m} Joanes, Esq^{r}, M^{r} Samuel Willys, Maj^{r} Nathan Gold, L. Col. John Allyn, Capt. Andrew Leet, Capt. James Fitch, Capt. Sam. Mason, Capt. John Bur, Capt. Dan. Witherell, M^{r} W^{m} Pitkin, M^{r} Nath. Stanly, Capt. Caleb Stanly, Capt. Moses Mansfeild, Major Gen^{ll} John Winthrop, Doctor Thomas Hooker, Capt. John Stanly, M^{r} John Moore, M^{r} Henry Woolcot, M^{r} Tho. Trowbridge, M^{r} John Hamlin.

These were elected.

Col. Rob^{t} Treat, Esq^{r} Gov^{r},
W^{m} Joanes, Esq^{r}, Dep^{t} Gov^{r},

Major Nathan Gold,	Capt. Dan^{ll} Witherell,
L^{t} Col. John Allyn, and Sec^{r}y,	M^{r} W^{m} Pitkin,
Capt. Andrew Leet,	M^{r} Nath. Stanly,
Capt. James Fitch,	Capt. Caleb Stanly,
Capt. Sam^{ll} Mason,	Capt. Moses Mansfeild.
Capt. John Burr,	Major Gen^{ll} Jn^{o} Winthrop,*

Capt. Jos. Whitting, Treasurer.

The Deputies of the Court are,

Capt. Cip. Niccols, M^{r} Steven Hosmor, for Hartford.
M^{r} Henry Woolcot, Capt. Jos. Fitch, for Windsor.
M^{r} James Treate, for Wethersfeild.
L^{nt} Abraham Dickerman, M^{r} John Allyn, for New Hauen.
M^{r} Tho. Clark, M^{r} Sam^{ll} Newton, for Milford.
M^{r} Richard Christophers, M^{r} Samuel Auery, for New London.
M^{r} Tho. Leffingwell, M^{r} Richard Bushnell, for Norwich.
Capt. Benj. Brewster, L^{nt} John Morgan, for Preston.
L^{nt} John Higley, for Simsbury.
Capt. Tho. Yale, Ens. Nath. Royce, for Wallingford.

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* Elected in place of Samuel Wyllys, Esq.

Mr Wm Ely, Lnt Isac Brunson, for Lyme.
Lnt Henery Crane, for Kellingworth.
Deacon Wm Parker, Mr Robt Chapman, for Saybrooke.
Capt. John Stanly, Lnt Thomas Heart, for Farmington.
Lnt Israel Curtice, for Woodbury.
Lnt John Stanly, for Waterbury.
Lnt John Bower, Mr Samuel Peck, for Greenwich.
Capt. Nath. White, Mr John Hamlin, for Midleton.
Mr Dannl Braynard, for Haddum.
Capt. Georg Denison, Mr Nehemiah Palmer, for Stonington.
Capt. John Graue, Lnt Stev. Bradly, for Guilford.
[241] || Samll Hayes, Samll Betts, for Norwalk.
Capt. Eben. Johnson, for Norwalk.*
Mr Samuel Hoyte, for Stanford.
Mr Isaack Wheeler, for Fayrefeild.
Mr Joseph Curtice, Mr Sam. Sherman, for Stratford.
Mr Wm Ely,† for Brandford.

These were chosen Commissioners for the yeâr ensueing: Mr Henry Woolcot [and Mr John More,]‡ are appoynted Commissioners for Windsor, and Mr John Higly, for Simsbury; Capt. John Chester, Lnt Treat, Capt. Robt. Wells, for Weathersfeild; Capt. Nath. White, Mr John Hamlin, Mr Wm Cheeny, for Midleton; Capt. Stanly and Lnt Tho. Heart, for Farmington; Ens. Tho. Jud, for Waterbury; Mr Eli. Kimberly, for Glassenbury; Capt. Georg Gates, for Hadum; Capt. Benj. Bruster, for Norwich and Preston; Mr John Birchwood, Norwich; Capt. James Auery and Mr Richd Christophers, for New London; Mr Mathew Griswold and Mr Wm Ely, for Lyme; Mr Nath. Lyne, Mr Wm Dudley, for Saybrook; Lnt Henry Crane, for Kellingworth; Mr Wm Maultbey and Lnt Ebenezer Stint, for Brandford; Mr Tho. Trowbridg, Comr for New Hauen; Mr Tho. Clark and Mr Alexander Bryant, for Milford; Capt. Tho. Yale and Mr John Moss, for Wallingford; Capt. Eben. Johnson, for Derby; Capt. Minor and Israel Curtice, for Woodbury; Capt. Wm Curtice, Mr Jeremi Judson and Mr

* A slip of Secretary Allyn's pen for Derby.
† Thus in the record,—perhaps we should read, Eleazar Stent.
‡ Windsor MS.

Joseph Curtice, for Stratford; Mr Nathan Gold, for Fayrefeild; Capt. Thomas Fitch, Captn James Olmsted, for Norwalk; Captn Jonathan Silleck and Lnt Jonath. Bell, for Standford; Mr John Reinolds, for Greenwich; Mr James Beebe, for Danbury; Mr Joshua Riply, for Windham.

Major Gold is by this Court appoynted to administer the oath of a Comissionr to those in the county of Fayrefeild at Fayrefeild, Norwalk, Standford, and Greenwich. Capt. Stanly to administer the oath of a Comr unto Ensigne Tho. Judd. Lnt Curtice to administer the oath of a Comr to Capt. Minor.

The Court appoynt the Dept. Govr to administer the oath of Assistant to Mr Leete, and of a Commissioner to Mr Tho. Trowbridge, and Mr Hamlin to administer the Comrs oath to Mr Cheny, and Mr Ely to administer the oath of a Commissioner to Capt. Gates, Mr Joseph Curtice to administer the oath of Comr to Capt. Curtice and Mr Jeremy Judson, and Capt. Yale to administer the oath of a Comr to Mr Mosse, Mr Fitch to administer the oath of a Comr to Mr Birchwood, Capt. Olmsted to administer the oath of a Comr to Mr James Bebe, Capt. Mason and Capt. Witherell to administer the oath of an Assistant to Major Generall Winthrop.

Mr Samuel Newton is chosen Lnt, and Mr Georg Clark is chosen Ensigne of Milford traine band and approued by this Court, and are to be commissionated accordingly.

Mr Benjamin Bruster is approued Capt., Wm Baccuss Lnt, and Richard Bushnell Ensign, of the sayd company of Norwich, who are to be commissionated accordingly.

Thomas Auery is approued to be Captn of the traine band of New London on the east side the riuer, and John Morgan Lnt, and John Auery Ensigne of sayd company, and are to be commissionated accordingly.

Upon the motion of Benjamin Barnes and Thomas Judd, administrators to the estate of John Carington, that they might haue power to disspose of the lands of sayd Carrington to sale as necessity requires, to the sattisfaction of his just debts, this Court doe grant their request and impower them so to doe.

This Court grants Phillip Lewes liberty to prosecute his appeale that was before the Court of Assistants at the Court of

Assistants October next, he being prouidentially hindered by sickness for attending the last Court to prosecute his appeale.

This Court doe desire and appoynt Major Gold and Mr Bur, Mr Joseph Curtice and Mr Bastard, they or any two of them, to make up the accots between the Colony and Mr Richard Blackleach and Mr Trowbridg or any other.

Mr Joseph Bull applyeing himselfe to this Court that they would consent unto a leese he hath made wth Obed and the Nahantick Indians for the herbeag of one hundred acres of land, which is granted, prouided it be not preengaged, he sayd Bull not to hinder their plowing and planting.

[242] It is ordered by the authority of this Court that the Commissioners in the seuerall plantations in this Colony each and euery of them haue and shall haue and exercise full magistraticall power within their seuerall plantations in all matters and things proper to their cognizance according to law, and are farther impowred to grant writts for prosecution in all cases within sayd towne for the county courts as shall be desired of them, and if need be shall and may sit in sayd courts when called so to doe by the superior magistrate to assist there in judicature.

Whereas Nath. Lyndes hath appeared in Court shewing his desires and expectations of the Court to vindicate their grants to Col. Fenwick as they stand upon publique record, and reporting unto us that there is something like a record in the town booke of Saybrook of a towne highway through those lands that were allowed by the Colony to Col. Fenwick without any mention of such towne highway, this Court see cause to recomend it to the towne of Saybrook as that which to us at present appeareth rationall that that writeing be so far made null and voyd as it disagreeth with those reserues, otherwise that the towne by some meet agreement doe appeare at the next Generall Assembly in October next to make appeare the necessity and righteousnes of a towne highway through those lands.

Mr Buckingham haueing moued this Court that there may be a suspensation of makeing any deeds or convayances of lands claymed by some to be Vncases or Owanecoes on the one part,

and of lands claymed to be Joshuas on the other part, the Court grants the same and order a farther hearing in October next.

Whereas Sam[ll] Bristoll made sale of a smale parcell of land to John Monger and gaue no deed of sale for the same, this Court now doe order that the administrator or executor of the estate of sayd Samuel Bristoll doe giue deeds of sale to the sayd John Monger for the sayd smale parcell of land, which is six square rods of land, and for the confirming it to him his heirs and assignes for euer.

The Court ordered that the Governo[r] of the Massachusets should be sent unto and desired to joyne with us to runn the line between the Prouince of the Massachusetts and this Colony, and M[r] W[m] Pitkin sen[r], M[r] Samuel Chester, and Capt. W[m] Whiting, they or any two of them, to run and state the line between the Prouince of the Massachusets and this Colony in the best way and maner they can, with the assistants of those that shall be appoynted by his Excellency, and they to begin there rise three miles to the sowth of the sowthermost part of Charles Riuer, and to run to the west so far till they come to the western part of Simsbury.

This Court grants the administrator of the estate of Joseph Fen power to make a deed of sale to Joseph Baldwin for the sayd parcell of land that Joseph Fenn mad sale to the sayd Baldwine, prouided the Gov[r] and M[r] Tho. Clarke find that the sayd Fenn did sell the land before his deceasse.

This Court appoynts Capt[n] Stanly and L[nt] Heart to return the thankes of this Court to the Reuerend M[r] Samuel Hooker for his great paynes in preaching the election sermon, and that they desire him to grant a coppy thereof to be dissposed and improued by the Generall Court for the peoples good.

This Court by their vote declared that they did not see reason to grant any farther ayd to New Yorke by money.

This Court upon the petition of M[r] Kimberly in the behalfe of Glasenbury people, that they might haue liberty to enter into church fellowship and that they might haue there minister to be ordeyned there, the Court grants their request they attending the law in the management thereof.

[243] Whereas there is a question arisen concerning the law, title Fences, where there is an allowance granted of fower foot for a ditch from the diuident line for either of the bordering parties where there proportion of fences belong to them, some being of opinion that the law allowes the bordering parties to improue the fower foote allowed for a ditch may bee improued for a ditch or to lay the banck on, this Court declares the fower foot mentioned in sayd law is onely to be improued for a ditch, and that [is] the intent of the afoarsayd law title Fence, and for the banck it is to be thrown on their owne land who make the ditch.

There being a difference between Stoneington and Preston about their bownds, it appearing by the testimony of Captn James Auery and Mr. Chester that the north-west corner of Stoneington bownds is a white oak tree marked with ten notches, which they lately saw and renewed the markes on sayd tree, and that from sayd corner tree they are to run a due east line the whole bredth of their bownds, which is according to their grant, and is the north bownds between Stoneington and Preston. This Court allso ordered that whereas Stoneington people haue made some improuement upon the lands that falls within Preston Bownds the present proprietors of such lands are still to enjoy their land there layd out to them as their propriety, they complying with Preston in their payment of rates and towne affayres.

This Court grants the Reverend Mr Jeremy Peck two hundred acres of land for a farme, prouided he take it up where it may not be prejudiciall to any former grant or plantation.

Whereas there is about fifty acres of rocky and uneuen land that lyes of each side of the upper side of a peice of meadow which were layd out to Mr Jehue Burr and Mr John Burr, this Court now grant that rocky and uneuen lands to the sayd Mr Jehu and Mr John Bur and to their heires foreuer.

The return of the committe for the laying out of the road or way between Saybrook and Kenilworth being read in Court was approued by the Court, and the Court expect that they make the bridg and way passible so soone as may be.

Capt. Daniel Clark moueing this Court to consider of and

approue of the last will and testament of Mrs Jane Hosford, the Court by their voate did declare they see not cause to enterteine the case at this time.

This Court for the incouragment of learning in this Colony, there being fower gramar schooles in the county townes of each county, this Court haueing granted to Hartford and New Hauen for the end afoarsayd thirty pownds apeice to the sayd townes no[w] gaue to New London and Fayrfeild county schooles twenty pownds to each of those county townes.

Whereas the Court had occassion to make use of the troop upon some seruice and now desireing that they may know their wages what it shall be, this Court by their vote granted them three shillings p day for their wages for the time they were out in the seruice towards Albany.

This Court being informed that it is necessary that the forte at New London be repayred and ammunition procured for the seruice of the forte, and that one be appoynted to comand the forte and to tak care that the gunns and ammunition be prepared and put in good order ready for seruice, and the merchants of New London are by this Court desired to prouide six barells of powder, two upon the Colony's accot, for the use of the sayd forte, and what of the powder shall be spent for the defence of the place shall be payd them out of the publique treasury, and Capt. John Prentice is by this Court appoynted to be Comander of the sayd forte from this time to the last of October next, he to attend according to his commission last yeare and to haue the same salery as then was granted, he attending such orders and directions as he shall receiue from the Major Generall Winthrop or Captn Witherell from time to time.

This Court doe order that the forte at Saybrooke be cared for, that the house be repayred and an inhabitant placed ther, and Colonel [Allyn] is impowered to giue orders as there may be need and to take care the same be accordingly done and to appoyn[t] a fit person to take the charg and comand of sayd forte for the securing and improuement of the same against [244] any enemies || for their Maties seruice and the countryes, and at the countryes charge.

This Court leaue it with Mr Stanly, the Treasurer, and Secretry, to compound and alowe John Cross such sattisfaction as they judg meet for a horss was lost in the seruice to Albany.

This Court order that the prouission made of a Councill to transact pub: occasions October last shall be of full force and value to the Court October next.

This Court ordered that the writeing read in Court concerning Aramamats land shall be recorded.

This Court grant Captn White liberty to buy a smale parcell of land at Wongom, about halfe an acre of land or litle more, of the Indian squa that is Massecups wife.

The petition of some of the people of Milford that they may be allowed a highway to New Hauen throw the Indian side, the Court granted theire request and ordered the Secretry to certify so much under the petition.

This Court granted Greenwich constable eight shillings that is due from him.

This Court granted to Captn Caleb Stanly two hundred acres of land for a farm, prouided he take it up wher it may not be prejudiciall to any former grant or plantation.

For the beter regulating of proceedings in our courts of judicature and to prevent the frustration and unnecessary delay of justice to the needless increase of charge and expence to the country, especially in the tryall of capitall and criminall cases, this Court doe order for the future that all jurie or juries when impaneld and sworn in court and haueing heard the pleas and euidences for and against any person or persons indicted or complayned of, shall imediatly withdraw themselues into some convenient roome or place by the court appoynted them and their abide untill they are agreed of a verdict or verdicts, unless in case of some difficulty ariseing among them about the matter giuen them in charge they desire farther light or information from the court, and then *and then* to return and abide as before, and the court are to appoynt som officer to themselues belonging to see this order accordingly attended.

It is allso ordered that all jury men that are warned and returned to seru on the jury and shall neglect to attend, they

shall be fined the sume of twenty shillings to the treasury of the county, except he can render a sufficient reason for his non attendance.

Seuerall complaynts being made by many of the inhabitants of this Colony of the great wrong don in many places and to many persons by frequent passing and repassing ouer corn-feilds or grass land where ther is no alowed way, to the great damage and prouocation of the proprietors of sayd lands and seems to threaten the loss of each mans propriety in his land if no more effectuall means be used then yet hath been for prevention, this Court doe therefore enact that whosoeuer shall be found passing ouer any mans inclosed land whither in comon feilds or elswhere without the proprietors leaue, unless on extraordinary occassion, where there is no allowed highway or out of the highway where there is one in such inclosure, euery such person so offending shall forfeit to the owners of sayd lands for each time he transgreses one shilling if he be on foote and two shilling and six pence if he be on horsback, and two shillings for euery beast he driues, and fiue shilling for a cart or team, together with such other damages as the owners of sayd land shall make appeare at law that he hath suffered by such passages ouer his land as afoarsayd, any former custome or useag to the contrary notwithstanding; prouided that after haruest and before seed time no proprietor in comon feilds shall be accounted trespassers by this law for their passing ouer the land which belongeth to other men in sayd [245] feilds on foot or horsback as their occasions || may require for seeking or drioeing theire cattell so long as they do no damage thereby.

Whereas in the law, title Attachments, it is exprest when persons shall be sumoned and not appeare to answer to such actions and complaints as are made and entered against them they shall be arrested to answer for their contempt at the next [court in that] county, this Court ads, And to answer the action according to the sum̃ons; and this court farther ad that such persons so neglecting or contemning authority shall pay a fine of twenty shillings to the county treasury for the same, and shall pay him that is put off from a hearing that court his

necessary costs for attendance, except he giues a sufficient reason for his absence which by the judgment of the court may excuse his contempt.

Whereas in the law, title Bowndes of Townes and Perticular Persons Lands, those that shall neglect to attend shall pay a fine of fiue pownds for euery towne that shall neglect, and tenn shillings a day for euery person that shall neglect his duty &c, prouided the complaynt be presented *be presented* within six moneths; this Court now order that the complaynt shall be presented at the next county court in that county or els to be of no value.

Whereas difficulties doe dayly arise amongst us about persons imprisoned for nonpayment of rates and for debt or by vertue of judgment of court obteyned against them, and when arrested and imprisoned for a tryall on the case for debt or otherwise, for releife it is therfore ordered by this Court and the authority thereof that upon what account soeuer a person is imprisoned for misdemeanor, rates, debts, or fines, or forfeitures, he or they that cause him to bee imprisoned shall disburse from week to weeke or from time to time whiles such person or persons shall remayne in prison, for his present mayntenance, at least to find him bread and water, and if such prisoner will ad to his mayntenance they may, and all such *and all such* charge as shall arise thereupon shall be payd by the prisoner before he be releast from prison or securety be giuen for the same.

It is ordered by this Court that what executions on actions for debt recouered by judgment of court or distresse upon non payments of rates, or any other just cause, for future shall be granted, when it so happens that estate cañot be fownd and the person is taken for want of the same to be imprisoned by distresse or execution, their shall be a mittimus granted and sent to the prison keeper to require him to keep him or them in prison according to law in that case prouided, and the ciuill authority is to grant sayd mittimus. And no execution for future shall pass on *on* any other estate but as in a late law about rate wherein land is exempted.

By reason of the great trouble and charge that ariseth by

the many wills and inuentories of the estate of deceassed persons exhibited in the seuerall courts in each county, there being much time and charge spent by the sayd courtes about the same and nothing allowed for the same, it is now ordered by the Court and the authority thereof, that for the setlement of such estates for the future there shall be payd by the executor or administrator for the use and to defray the necessary charge of the setlements of sayd estates besides the clarkes fees, for euery estate of fifty pownds and under, two shillings and six pence, and for those aboue fifty pownd not exceding two hundreds pownds, fiue shillings, and for such as are aboue two hundred pownds, ten shillings.

The Court is adjourned till the Governo^{r} or Deputy Governo^{r} shall see cause to call them together agayne.

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[246] A Generall Court held at Hartford, Sept^{r} 1, 1693, by speciall order of the Governo^{r}.

Col. Rob^{t} Treat, Esq^{r}, Gov^{r}.
W^{m} Joanes, Esq^{r}, Dept Gov^{r}.

L^{nt} Col. John Allyn,	M^{r} Dan^{ll} Witherle,
M^{r} Andrew Leet,	M^{r} Nath. Stanly,
Capt. James Fitch,	Capt. Caleb Stanly,
M^{r} W^{m} Pitkin,	Capt. Moses Mansfeild.

Deputies:

Capt. Cip. Niccols, Deac. Steph. Hosmor, for Hartford.
M^{r} Henry Woolcot, Capt. Jos. Fitch, for Windsor.
M^{r} James Treat, for Weathersfeild.
L^{nt} Abr. Dickerman, M^{r} John Allyn, for N. Hauen.
M^{r} Tho. Clark, M^{r} Sam^{ll} Newton, for Milford.
M^{r} Rich^{d} Christophers, M^{r} Samuel Auery, for N. London.
M^{r} John Wakeman, M^{r} Isack Wheeler, for Stratford.*
M^{r} Joseph Curtice, for Stratford.
M^{r} Samuel Hayse, for Norwalke.
M^{r} Dauid Waterbury, for Standford.
M^{r} Sam^{ll} Peck, for Greenwich.

* A slip of the Secretary's pen. Read, Fairfield.

Mr Iserell Curtice, for Woodbury.
Capt. John Graues, for Guilford.
Lnt Henry Crane, for Kellingworth.
Deacon Wm Parker, Mr Robt Chapman, for Saybrook.
Mr Wm Ely, Mr Abr. Brunson, for Lyme.
Capt. George Denison, for Stonington.
Mr John Morgan, for Preston.
Mr Tho. Leffingwell, Mr Richd Bushnell, for Norwich.
Mr Daniel Braynard, for Haddum.
Capt. Nath. White, for Midleton.
Capt. John Stanly, Mr Tho. Heart, for Farmington.
Mr John Higley, for Simsbury.
Capt. Tho. Yale, Ens. Nath. Royce, for Wallingford.

The seuerall townes returned their mindes concerning the question propownded to them by the Gouernor and Councill, and there was two thousand one hundred eighty and two persons that manafasted their desire that their Maties may be addressed unto for the continuance of our militia and all our charter priuiledges unto vs, and that they would beare their proportionable charge with the rest of the Colony in the obteyning thereof.

This Court by their vote declared that they judged it necessary to send an addresse to their Maties to procure the continuance of all our charter priuiledges.

This Court by their vote made choyse of the Dept. Governor, Col. John Winthrop, Col. John Allyn, and Mr Wm Pitkin, to prepare an addresse to their Maties for their confirmation of our priuiledges to vs &c.

This Court by their vote made choyse of Major Generall Fitz John Winthrop to be their agent to goe ouer for England and to endeauoure to present our addresse to their Maties and to obteyn in the best way and maner he shall be capeable a confirmation of our charter priuiledges.

This Court approued of the addresse drawn up by this Court for theire Maties, leaueing it with the Governor and Councill to make any alteration therein so the substance be continued, and allso they leaue it with the Major Generall theire agent with the aduice of his councill that he holding to

the substance of what is now voted may make alteration as to words.

The commission was approued which was drawn up for our agent and left with the Governor and Councill to alter as they see cause, holding to the substance.

The instructions were allso approued and ordered as aboue.

This Court doe see reason to leaue it with the Gouernor and Councill to doe and performe what shall be requisit to the perfecting our addresse and comission and instructions for Major Gen[ll] John Winthrop Esq[r], and to doe whatsoeuer they shall find necessary to be don and acted in that affayre.

The Governor and Secretry are appoynted to signe the address in the name of the Generall Court, and allso to signe the comission and instructions for our agent, and to fix the seale of the Colony to the commission.*

This Court do leaue it with Capt. John Chapman to take care and charge of the forte at Saybrook, and for present to keep two men in the seruice of the forte upon the countryes charge, and upon any occassion to call the towne into their assistance.

This Court grants a rate of a penny upon the pownd of all the rateable estate in the Colony to defray the charg of y[e] Colony in sending an agent to England to defend our priuilidges, which shall be payd in currant money of New England, and if any canot pay money they haue liberty to pay doble in wheat, rye, pease, or indian, at the price it was set by the country the last yeare, and the Treasurer is hereby required to send out his warrant to euery towne in this Colony to the constable to gather the money or the corn and to giue in their acco[t] to him by the twentyeth of this instant at farthest, and the constables of euery town are desired to disspose of what graine they receiue for the money.

[247] It was allso voted that this rate should be raysed upon the list made for ninety-two, and euery man is required hereby to pay his rate though the Colony be in his debt.

* Copies of the Instructions and Commission are in Foreign Correspondence, II, 39, 40. Dr. Trumbull has given an abstract of the instructions in Vol. I, p. 390, 391, of his History of Connecticut.

It is allso farther ordered that besides the sayd rate layd out to defray the charge of our sending for England, that whatsoeuer els shall be necessary to defray the charge of our sending shall be payd by the Treasurer out of the publique treasury of the Colony.

It is allso ordered that the townes of Simsbury, Glassenbury, Danbury and Windham in this rate shall be rated according to their lists which the ministers rate was made last year by.

It is allso ordered if any persons be dead or remoued since the list was made by which this rate is to be made they are to be left out of the rate for their persons.

A Generall Court held at Hartford, October 12th, 1693.

Col. Robt Treat, Esqr, Govr.
Wm Joanes, Esqr, Dept. Govr.

Major Nathan Gold,	Mr Wm Pitkin,
L. Col. John Allyn,	Mr Nath. Stanly,
Capt. Andrew Leete,	Capt. Caleb Stanly,
Capt. James Fitch,	Capt. Moses Mansfeild.
Capt. John Burr,	

Deputies:

Mr Stephen Hosmor, Mr John Marsh, for Hartford.
Mr Henry Woolcot, Mr John Moore, for Windsor.
Mr James Treat, Capt. Robt Welles, for Wethersfeild.
Lnt Abra. Dickerman, Mr John Allyn, for N. Hauen.
Mr John Wakeman, Mr Nath. Burr, for Fayrefeild.
Mr Tho. Clarke, Mr Samll Newton, for Milford.
Mr John Wells, Mr John Burret, for Stratford.
Mr Andrew Leister, for N. London.
Capt. John Graue, Lnt Steu. Bradley, for Guilford.
Capt. Benj. Brewster, Lnt Tho. Leffingwell, for Norwich.
Capt. James Olmsted, Mr Samll Hayes, for Norwake.
Lnt Tho. Heart, Ens. Tho. Judd, for Farmington.
Mr Wm Dudly, Mr Robt Chapman, for Saybrook.
Lnt Henry Crane, Samuel Bewell, for Kenilworth.
Lnt Israel Curtice, for Woodbury.

Isack Waterhouse, for Lyme.
Ens. Tho. Judd, for Waterbury.
Capt. Tho. Yale, for Walingford.
Mr Sam. Peck, for Greenwich.
Mr David Waterbury, for Standford.
Mr Jeremy Johnson, for Derby.
Ensign John Parke, for Preston.
Ln John Higley, for Simsbury.
Capt. Nath. White, Mr John Hamlin, for Midleton.
Capt. Georg Denison, for Stonington.
Mr Wm Maltby, Lnt Eben. Stent, for Branford.
Mr Daniel Braynerd, for Haddum.

The Govr acquainted the Court with what they had done in refference to Major Winthrops commission and instructions, with their motion to Mr Saltonstall to go for England with Major Winthrop, and with a letter from his Matie, and of Mr Pitkins instructions and commission to New York,* which the Court allowed and approued of and granted that the Marshalls charge in goeing to gather up an accot of the debts of the country shall be born by the country.

This Court grant that Sarah Post giue Benjamin Armstrong a deed of sale for fower acres of land sold by John Post her husband before his death and receiued the pay for it, which deed shall be of full force to confirm the same to sayd Armestrong.

This Court grant Mary Everts liberty to giue a deed of sale to Ensigne Abram Fowler for two acres of land that her late husband sold sayd Fowler and receiued part of the pay for the same, which deed shall be of full force to confirm the same to sayd Fowler.

This Court grant Mary Leete widow of Mr John Leet power

* Copies of Mr. Pitkin's Commission and Instructions are in War, II, 176, 178. The record of the abortive meeting held Oct. 4–6, 1693, of commissioners from the several governments called to agree upon a quota of men or other assistance to be given by each colony or province for the defence of New York, is in the same volume, No. 181. The King's letter dated March 3, 1692–3, is in Foreign Correspondence, I, 41. It was addressed To such as for the time being take care for preserving the Peace and administring the Laws in our Colony of Conecticut in our Territory and Dominion of New England in America.

to sell seuen or eight acres of 3d diuission lands to pay some debts that are due from the estate.

The list of the persons and estates of the Colony.

Persons.	*ll.*	*s.*	*d.*	*Persons.*	*ll.*	*s.*	*d.*
267 Hartford,	17346	00	00	78 Simsbury,	03494	00	00
290 Windsor,	14798	00	00	46 Waterbury,	01630	00	00
196 Weathersfeild,	10872	00	00	Glassenbury,			
106 Farmington,	06292	00	00	262 New Hauen,	14413	00	00
120 Midleton,	05500	00	00	155 Milford,	09106	00	00
66 Haddum,	02511	00	00	58 Brandford,	03328	00	00
‖ 115 Guilford,	6907	00	00	61 Woodbury,	2639	00	00
83 Wallingford,	3966	00	00	182 New London,	9648	00	00
34 Derby,	1630	00	00	92 Stoneington,	5363	00	00
175 Fayrefeild,	11180	00	00	112 Norwich,	5782	00	00
130 Stratford,	8752	00	00	102 Saybrooke,	5136	00	00
65 Norwalke,	4924	00	00	81 Lyme,	4442		
80 Stanford,	5083	00	00	46 Kellingworth,	2218	00	00
60 Greenwich,	3275	00	00	30 Preston,	1902	00	00

[248] This Court made choyse of Mr Samuel Willys, Mr John Hamlin, Mr Henry Woolcot, Mr Tho. Trowbridg, Deacon Stephen Hosmor,* to stand in nomination for Assistants at the election in May next, together with the Govr, Deputy Govr, and Assistants now in place.

The Court ordered that our souldiers be forthwith called from the garison in Dearfeild.

This Court appoynted the Secretry and Treasurer to take care that Mr Hookers election sermon preached last May and Mr Wakemans election sermon formerly preached may be procured to be printed at the publique charge of the Colony.

This Court grants the Governor for his salery this yeare one hundred pownds.

This Court grants the Dept Governor for his sallery the sum of forty pownds for this yeare.

This Court grants the Treasurer for his salery for this yeare the sum of twenty fiue pownds.

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* In the Windsor MS. the name of Mr. John More appears here while that of Deacon Stephen Hosmer does not. Probably Mr. More's name was accidentally omitted by Secretary Allyn, for it is found with those of other nominees at the beginning of the record of the Court of Election, May, 1694. Mr. Hosmer died Nov. 4, 1693, before the copy of the acts of October session was sent up to Windsor.

This Court grants the Secretr for his salary for this yeare the sume of 25*l.*

This Court haueing formerly ordered that the Treasurer should giue a leter of credit upon the credit of the Colony to Major Winthrop for fiue hundred pownds for the management of his agency, to be drawn out of the sayd treasurer's hands as Major Generall Winthrop shall stand in need thereof, this Court doe order that what the treasurer shall engage in behalfe of the Colony as afoarsd this Court doe engage to indemnify him for so doeing, and to see it sattisfyed according to his engagement, and this Court doe order the treasurer to procure bills of exchange for as much money as he can within the sume of fiue hundred pownds, and in case he fall short of that sume then if he can he is to procure so much gold and waighty peices of eight as may make up the sume of fiue hundred pownds with the bills of exchange which he is to deliuer to Major Winthrop to cary with him.

This Court upon the motion of Mawtowith that she might haue liberty to sell two acres of land in Midleton, the Court leaues it with the comissioners and townesmen of Midleton to consider the same and if they see no prejudice to the town they may grant her liberty so to doe.

This Court grants Major Gold the sume of fifteen pownd for his good seruice this yeare.

This Court grants Mr Wm Pitkin the sume of fifteen pownd for his seruice and journey for the country to Yorke.

This Court grants Capt. Mansfeild ten pownd for his seruice this yeare.

This Court grant Wm Whiting fifteen pownd for his salary this yeare.

Nath. Butlar is plntf. contra Gurdon Saltonstall defendant by way of appeal from the judgment of the Court of Assistants October 5, 1692, which action was an action of the case for damage sustayned by Gurdon Saltonstall by the present plaintifes default in the execution of his office as constable, when you were constable of Weathersfeild in the yeare of our Lord 1692, wth damage to the value of 24*l.* 16*s.* 0*d:* In which action the jury in [the] Court of Assistants fownd for the defend-

ant that the plntf. doe surrender to the defendant the goods [249] attached or the value of them and cost of court || upon which the court order execution shall goe against the sayd Butlar for ten pownds fiue shillings in money or the value of it in pay, and cost allowed is one pownd fower shillings. This Court finde for the plaintife, but haueing com to a chancery of the case the Court doe find that the present plaintife doe pay to M^r^ Saltonstall the sume of fiue pownds in money or the goods attached w^ch^ are not allready deliuered by execution and that to be an issue of the case.

This Court grant that the towne of Preston and Stoneington shall be heard by them about the bownds between their townships in May next.

This Court findeing a great difference groweing between the Indians, viz. Owanecoe and Abimileck, about land and bowndaries of land, in which difference Capt. Samuel Mason and Capt. James Fitch seem to be engaged, with other differences about lands which this Court willing to put an issue to, this Court doe desire and impower our Honored Governo^r^, L. Col. John Allyn, and M^r^ Nath. Stanly, to goe to Norwich and to call all the sayd English and Indians together and to make an issue of the same and p^r^sent it to the Generall Court in May next, and the Gouerno^r^ is to appoynt the time of meeting, prouided no charge may com hereby to the country.

Joseph Rogers plntf. by way of appeale from the judgment of the Court of Assistants October 5, 1693, Jonathan Rogers defendnt., which action was an action of the case for entering into and takeing possession of a house and other buildings and certain parcells of land lyeing in the generall neck in sayd New London on the west side the harbo^r^, which house and land becam the sayd Joseph[s] by deed from James Rogers sen^r^ of New London deceassed, to a surrender of the sayd lands to the sayd Joseph with necessary costs and damages of his detainer to the value of one hundred pownds: In this action the jury find for the defendant cost of court. This action is withdrawn in Court.

Ephraim Turne and Jonathan Ryley withdrew their appeale.

The constables of Simsbury moueing to haue their acco^ts^

past, this Court leaues it with the gentlemen upon the place to doe and act therein as they se to be most just and equitable.

In the appeale wherein Benjamin Tallcott and Tho. Griswold were plntfs. by way of appeale from the judgment of the Court of Assistants this moneth and M^r^ John Tompson defendnt., the Court haueing considered the case do order that the sayd Benj. Tallcot and Tho. Griswould shall pay fiue pownds apeice to M^r^ Tompson in currant country pay and then they shall be free. If they refuse to accept of this they are to return to their seruice and serue according to inde[n-] ture and they are to bear each one their own charge of prosecution and the young men to pay the charg of this Court and the Court of Assistants.

This Court upon the petition of John Tracey that this Court would put him in some way to obtain the lands or a deed of them according to the judgment of court, he haueing obteyned judgment against the sayd Capt. Fitch for the same in October 92: This Court haueing considered the same doe order that a deed according to the judgment of the Court of Assistants be prepared and offered to Capt. Fitch to sign, seale and deliuer, then if he refuse so to doe, this Court refer the issue of the case to the Generall Court in May next, where Capt. Fitch and M^r^ Tracey are to attend.

This Court vpon the petition of M^r^ Richard Edwards in behalfe of M^r^ Tho. Younge of New London doe grant him the sayd Tho. Younge liberty to prosecute his appeale at the Court of Assistants May next, prouided he giue notice to those concerned that they may allso appeare to defend themselues.

This Court appoynted Capt. Stanly, M^r^ John Hamlin, M^r^ Allyn, w^th^ Capt. Whiting, to veiw the acco^ts^ that are sent in from the townes to se what they amoun[t] too.

This Court upon the petition of Ens. Jacob White and Thomas Hancox for the renewing of an execution against L^ut^ Hollisters estate, the Court return they find the execution leuyed upon a parcell of land which is deliuered to sayd White and Hancox and recorded in Weathersfeild records to them, which answers the execution and is to be to *be to* the sayd White and Hancox after the present lease of the sayd lan[d] is expired, w^ch^ is all at p^r^sent we can doe.

This Court made choyce of Mr John Hamlin, Deacon Hosmor, Mr John Allyn of New Hauen, Mr Joseph Bastard, Mr Daniel Taylor, to audite the Treasurer's accot as soon as may bee, they or any three of them.

This Court continues theire order of October last in refference to* and it is hereby continued till the Generall Court in May next.

[250] This Court allowes Mr Nath. Stanley seuen pownds ten shillings for what he falls short of what he hath layd out for the country.

This Court grants a rate of fower pence upon the pownd of all the rateable estate in this Colony to discharge the country debts, to be payd in wheat, rye, indian corn, porck and beefe; winter wheat fiue shillings p bush., sumer wheat fower shillings p bushell, rye three shillings six pence p bush., indian two shillings six pence p bush., porck 3*l.* 10*s.* p barell, beife forty shillings p barell, all to be good and merchantable; and if any will pay their rates in beife or porck they may, and those that pay in grain shall pay one third in wheat, one third in rye, and one third in indian corn, and if any pay more then a third in rye he is to pay it at 3*s.* p bush., and if any will pay their rate in money they shall be abatted one third of their rates.

Upon the petition of Mr Ickabod Wells to this Court that they would declare whether the Marshall haueing serued an execution for the bretheren of Mr Jonathan Wells as appeares by sufficient testimony although it be not endorced on the execution whither it be good in law, the Court haueing considered the petition and euidences doe declare that they judg the execution serued according to law, though not indorced by reason of the plentifull [evidence ?] of the Marshalls doeing the same.

This Court grants the Deputies of the Court two shillings six pence p day for their attendance at Court from this day, October 21, 1693.

It is ordered that all persons in the seuerall countyes of this Colony to whom the Colony is or may be indebted doe at or before October Court yearly without fayle send a fayre accompt

* So in the record.

of such claime of debt or depts by the deputy or deputyes of the town or place to which he or they doe belong, or any other deputy or person, who are to deliuer it to the Treasurer, and they are to be signed according to law and not otherwise.

Octob^{r} 23. The Court is adjourned till the Governo^{r} or Dep^{t} Gov^{r} see cause to call them againe.

[It was during this session, though the record is silent concerning it, that Governor Fletcher of New York came to Hartford, in order to publish his Commission and to take command of the militia of Connecticut. What Col. Fletcher thought of his reception and success may be seen in the Documents relating to the Colonial History of New York, IV, 69–72. A pamphlet on the subject, supposed to have been written by Gershom Bulkeley, was published in New York early in 1694, no copy of which is known to exist by the editor. It was answered by another pamphlet published by order of the Governor and Assistants, with the title Their Majesties Colony of Connecticut in New England vindicated from the abuses of a Pamphlet licensed and printed at New York, 1694, intituled *Some seasonable Considerations for the Good People of Connecticut*, by an Answer thereunto. Boston, 1694, reprinted in Vol. I, of the Collections of the Connecticut Historical Society. From the following documents, it will be seen that the General Court did not adjourn *sine die* on Monday, October 23d.]

[War, II, 197.]

Gentlemen: I landed att this place somewhat late a sabboth day att night, my horses and other conveniencies being aboard another sloop and nott yett come up has detained me longer here then I designed or desired.

Being informed your Generall Court is now sitting I am willing to communicate their Maj^{ties} comands to you while you are together conceiveing itt will most conduce to their Maj^{ties} service and therefore I desire you will not adjourn yourselves, till I can come up to Harford which shall be without losse of time soe soon as my horses arive which I hourly expect. I am, Gentlemen, Your humble servant,

From New Haven, Octob^{r} the 17th, 1693, att one in the afternoon. Ben. Fletcher.

[War, II, 196.]

Hartford, Octob^{r}, 18th, 1693.

Excelent S^{r}, Your letter of the 17th instant at one of the clock in the afternoone, about two of the clock this morning came to our Governo^{r}s hand who hath acquainted us with the receipt of yours, and of the occassion which hath detayned your Excelencie longer in those partes then you desired or designed, as allso that your Excelencie desires that we would not adjourne o^{r}selues till you can come up to Hartford. In answer to which your Excelency may be pleased by these to be informed that our Generall Court hath been together upon their Ma^{ties} seruice euer since Thursday last and are about disspatching the affayres under hand as soone as we may but shall not break up till Fryday next and shall be ready to wayte upon your Excelency in Gen^{ll} Court to heare or receiue from you what you haue to acquaint

vs with that may be for theire Ma^ties^ seruice and the pub: good of their subjects, which with respects and seruice to your Excelency is all at present from your Excelencies humble seruant,

John Allyn, Sec^r^y.

These—For his Excelency
Col. Benj: Fletcher, Capt^n^ Gen^ll^ and Gov^r^ of
their Ma^ties^ Prouince of New York, &c.
New Hauen or elsew^r^ present.

[War, II, 198.]

Gentlemen: This day about ten a clock I had the favour of yours.

Finding the wind continue northerly I can gett noe news of my horses soe that I cannott propose of getting up to Harford to morrow.

I therefore desire that you will please to adjourn to this place where a very short time will allow me to lay before you such things as I have to offer for their Majesties seruice. I am, Gentlemen,

Your humble servant,
Ben. Fletcher.

New Haven, October
the 19^th^, 1693, att 11 a clock
in the morn.

[War, II, 199.]

Hartford, Octob^r^ 20^th^, 1693.

Excelent S^r^, Yours of the 19^th^ instant we haue receiued, and in answer thereunto we return we canot under o^r^ p^r^sent circumstances adjourne to Newhauen and haue chose rather (though we haue wayted seuerall dayes to attend your Excelency in Generall Court) to resolue to continue o^r^ Gen^ll^ Court by adjournment till Tewsday next about ten of the clock, *at which time o^r^ Court will break up and return to their habitations,** which is all the needfull at p^r^sent from your humble seruants the Gov^r^ and Generall Court of Conecticut.

p^r^ y^r^ order signed
John Allyn, Sec^r^y.

For his Excelency Col. Benj: Fletcher, Esq^r^,
Capt^n^ Gen^ll^ and Gouerno^r^ in Cheif of
their Ma^ties^ Prouince of New York, &c.
in N Hauen this dd.

[War, II, 200.]

Col. Fletchers Memoriall 24 *Octob^r^*, 1693.

MEMORIALL,

To the Governour and Gen^ll^ Court for y^e^ Collony of Connecticutt, sitting at Harford, Octob^r^ 24^th^, 1693.

Benjamin Fletcher their Maj^ties^ Cap^t^ Gen^ll^ and Governour in cheife in and over their Maj^ties^ Provinces of New Yorke and Pensilvania &c, gives in this Memoriall to which he desires a reply without losse of time, their Maj^ties^ service calling for his immediate repaire to the fronteers, &c. He says being come into this Collony with their Maj^ties^ commission under their great seal of England to act as their

* A pen has been drawn through these words.

Leiv[t] and Comander in cheife of the millitia and of all the forces by sea and land within their Maj[ties] Collony of Connecticutt and of all the forts and places of strength within the same.

Which commission he does here produce and expects a ready complyance to it from all their Maj[ties] loving subjects that he may proceed to the execution of that trust.

Ben. Fletcher.

[From the pamphlet printed by order of the Governor and Assistants. Collections, Conn. Hist. Soc. I, 106. No copy of the paper remains on file.]

To His Excellency Benjamin Fletcher, *Captain General, and Governour in Chief, of Their* Majesties Province *of* New York *&c.*

In Return to your Excellencies demands of the *Militia*, of us Their Majesties General Court of Their *Colony* of *Connecticut:* we say: That finding in your Excellencies Commission no Express, *Superseding* of the Commission of the *Militia* in our *Charter*, nor Order to us from Their Majesties to Surrender the same: And being sensible of the great importance of this matter, and finding it in several main things which do need a particular Explication, and Settlement, as we shall (God willing) manifest to Their Majesties: cannot but conceive it our duty, both with respect to Their Majesties Service, and our own peace, and preservation in this time of War, to continue the *Militia* as formerly; till by our *Agent* now sent for *England*, we shall receive further Orders from Their Majesties.

And in obedience to Their Majesties Gracious Letter of *March* 3*d.* 1692. We shall be ready upon all just Occasions, to yield Assistance to His Excellency *Coll. Benjamin Fletcher* Esq. His Majesties *Captain General*, and *Governour of New York &c. and to the Commander their in Chief, for the time being:* for the defence of the said Province, against the Common Enemy, according to our ability, and in proportion with our Neighbouring *Colonies* and *Provinces;* although we have already been out about *Five Thousand Pounds*, for the defending our Neighbours of *Albany*, since the War began, besides the loss of Lives. And further, this Court does see reason to grant the Sum of *Six hundred Pounds* in Country pay, out of our Country Rate, towards the Charge of maintaining the Garrison at *Albany*, onwards of what shall be our proportion of that charge, in Obedience to Their Majesties Letter of 3*d* of *March* last.

By Order of the Governour and General Court of Connecticut.
HARTFORD October, 25*th.* 1693. *Signed by* John Allyn Secr.

[War, II, 201.]

Octob[r] 26, 93. *Col. Fletchers command of o[r] obedience to him as y[e] L[nt] of o[r] millitia.*

To the Governour and Generall Court of Connecticut sitting att Harford October y[e] 26[th], 1693.

Gentlemen, I have received your paper which is noe answer to my memorial for I doe not demand the millitia from you knowing very

well as you yourselves doe that you have noe right to itt being settled on the Kings and Queens of England and their successors by severall acts of Parliament and by noe power on earth can be demised from the present possessor of the crown, but I have in tender regard to this English Collony given in my memorial to you the present administrators of the goverm^t^ here in expectation of your ready complyance to their Maj^ties^ pattent and your assistance to me being a stranger in these parts for the more speedy and effectuall execution of that lawfull commission which is granted in grace by their Maj^ties^ as well for your security and defence as the assertion of their owne right, and this has in noe part of their dominions found a rub or contest.

I doe therefore in their Maj^ties^ names demand your obedience to this commission as you will answer the ill consequences that will ensue and expect a speedy replye in two words, Yes or No.

Ben. Fletcher.

By his Excellency Benjamin Fletcher their Maj^ties^ Leiv^t^ and Commander in cheife of the millitia and of all the forces by sea and land within their Majesties Collony of Connecticut and of all the forts and places of strength within the same.

M. Clarkson, Sec^ry^.

[War, II, 202.]

Oct. 26, 93. *Col. Bayards demands per order of His Excellency.*

Gentlemen, I am further to tell you from his Excellency the Generall that he is resolved to put their Maj^ties^ commission in execution, and imediatly issue forth a Proclamation, shewing the methods he has taken for the ease and satisfaction of their Maj^ties^ subjects in this Collony leaving the militia in the same hands he found it;—

And I am alsoe directed by his Excellency to make yor Govern^r^ Treat a tender of a comission from him, for the command of all the militia in this Collony—

And alsoe to acquaint this Court that his Excellency has neither power nor intentions to invade any of their civill rights, but that all things may runne in the same channels with no alteration, but only your acknowledging the power of the melitia an inherent right in their Maj^ties^.—

And I may assure you from his Excellency that he will not sett a foot out of this Collony, till he sees an obedience paid to this commission, by all such as are loyall subjects to their Maj^ties^, and will distinguish the rest.

Harford, Octob^r^ the 26^th^, A° 1693. By his Excellencyes commands, N. Bayard.

[From the pamphlet printed by order of the Governor and Assistants. Coll. Conn. Hist. Soc. I, 107. No copy of it remains on file.]

On the 27th of October, 1693, was sent this Memorial *following.*

Excellent SIR,

We have in our former to your Excellency, tendred you Six hundred Pounds, in Country pay out of our Rates; towards the charge of

maintaining the Garrison at *Albany*, onwards of what shall be our proportion of that charge. We desire your Excellencies answer, whether that be acceptable to you. But if you judge it more for Their Majesties Service, to have men, we shall raise about Fifty men to Assist in Garrisoning *Albany*, who we shall raise and send forth, with what speed we may, to continue there till the Spring to the end of *March*, or first of *April* next. We Crave your Excellencies Answer, who are,

Your Humble Servants the Governour and General Court of *Connecticut*.

By their Order signed JOHN ALLYN, *Secr.*

[War, II, 203.]

Mr. Clarksons per order of Col. Fletcher, Octob^r 27, 1693, w^in he claimes o^r millitia, &c.

Gentlemen, I have your memoriall of this day before mee, and in answer thereunto, I think fitt to tell you, I am their Maj^ties Lieut and Commander in Chief of all the military forces in this Collony, and that by my commission publisht in yo^r Generall Court, all other military commissions are superceaded and actually void: When you think fitt to acknowledge the power of this pattent (which has never found a dispute by any of their Maj^ties subjects in any parts of their dominions,) I shall then reddily proceed to consult with you of such methods for the setling the melitia here as may be most for the ease of their Maj^ties subjects, and the security and safety of the fronteers of Albany and this collony, In the meane time I conceive my selfe oblidged to pursue the execution of their Maj^ties lett^rs pattents to me directed, till I find an open violation of their Maj^ties right by force and armes.

By comand of their Majestys Liev^t and Comander in Chief of the military force in this Collony.

Harford, Octob^r the 27th, A° 1693. M. Clarkson, Secry.

To the Govern^r and Generall Court of Connecticot Collony sitting at Harford.

[War, II, 204.]

Col. Fletchers proclamation Octob^r 28, 1693, giuen to the secret^r to [be] dd to the Gov^r, but not published.

By his Excellency Benjamin Fletcher, Capt. Generall and Govern^r in Chieff of their Majesties Province of New York, Province of Pensilvania, Countey of New Castle and the Territories and Tracts of Land depending thereon in America, and Vice Admirall of the same; Their Maj^ties Lieuten^t and Comander in Chief of the Militia and of all the Forces by Sea and Land within their Maj^ties Collony of Connecticot, and of all the Forts and places of strength within the same;—

A PROCLAMATION.

Whereas it hath pleased their most sacred Maj^ties William and Mary, by the grace of God King and Queen of England, Scotland, France and Ireland, and of the dominions thereunto belonging to give unto

mee a Commission under the Great Seal of England, whereby their Majties have not only for the assertion of their royall right and prerogative, but also of their especiall grace and tender care for the security and defence of their good subjects in this their Collony of Connecticut, and for other good causes moving thereto, constituted mee, the said Benjamin Fletcher, their Majties Lieut and Comander in Chief of their Militia &c, in this Collony as afores[d].

In pursuance and for the execution of the s[d] commission I have with all convenient expedition taken a journey to Hartford in the Collony afores[d] and out of a true and tender regard to the peace of the s[d] Collony and for the better satisfaction of all their Majties good subjects therein, have applyed myselfe to the Generall Assembly, the present administrators of the governm[t] ther sitting at Harford: I have in the same Assembly caused my s[d] commission to be publickly read and left with them a written memoriall of my expectation of their reddy submission to their Majties lawfull commission so graunted to me, and their assistance (being a stranger in these parts) for the more speedy and effectuall execution of the same, and beside the allowance of sufficient time for deliberation.

I have likewise shewed myselfe willing to give commissions to all the late comission officers in case they would receive them, and to take their advice for the supply of vacant officers, and in particular have caused a commission to be tendered to Coll[o]. Robert Treat for the comand of all the militia in this Colony afores[d], and have assured them that I have neither power nor inclination to invade any of their civill rights, only demanding obedience to this their Majties comission, whereby the power of the melitia may be acknowledged to be as it is a royall right inherent in and inseparable from the crowne;

All which notwithstanding forasmuch as I do not find that suitable reception of their Majties favour or ready obedience to their commission from the s[d] Generall Assembly, as I did expect from good subjects, but instead thereof they have possitively refused to give obedience to their Majties s[d] royall comission;—

Therefore for the further satisfaction of their Majties good subjects in the s[d] Collony, I do declare that their Majties said commission is abso lute and indispensable, and is a comand not only to mee to execute, but to all their Majties subjects in the s[d] Collony to obey;—

The said comission superceading nulling and vacuating all former military comissions, I have no power to suspend or delay the execution of it, nor can such default, nor any inconveniences that may happen thereby, be by any means justified.—

And accordingly it is my resolution in obedience to their Majties royall command forthwith to put their said commission in execution, and I do in their Majties name streightly forbid all persons whatsoever to execute or obey any former military commission or to levy any men and armes, otherwise then in pursuance of this their Majties commission graunted to mee and published in the Generall Assembly of this Collony; As also I do comand and require all their Majties loyall subjects in this Collony uppon the allegiance wherein they are bound to their Majties to yeild their due obedience to y[s] their Majties Comis-

sion of Lieutenancy, and to be aiding and assisting to mee in the execution of y^e^ same, as they will answer the contrary at their utmost perrills.

Given in Harford in their Maj^ties^ said Collony of Connecticut the 28^th^ day of Octob^r^ 1693. In the fifth year of their Maj^ties^ reigne.

Ben. Fletcher.

God save King William and Queen Mary.

A Speciall Generall Court held at Hartford, February 7, 169$\frac{3}{4}$, by speciall order of the Gov^r^.

Rob. Treat, Esq^r^, Gov^r^,
W^m^ Joanes, Esq^r^, Dep. Gov^r^.

Major Nathan Gold,	M^r^ Nath. Stanly,
L. Col. John Allyn,	Capt. Dan. Witherel,
Capt. John Burr,	Capt. Caleb Stanly,
M^r^ W^m^ Pitkin,	Capt. Moses Mansfeild.

Deputiés:

M^r^ John Marsh, for Hartford.
M^r^ Henry Woolcot, for Windsor.
M^r^ James Treate, Capt. Rob^t^ Wells, for Wethersfeild.
M^r^ Abram Dickerman, for New Hauen.
Andrew Leister, for New London.
M^r^ Nath. Bur, for Fayrefeild.
M^r^ W^m^ Dudley, M^r^ Rob^t^ Chapman, for Saybrook.
L^nt^ Stephen Heart, Ens. John Judd, for Farmington.
Isack Waterhouse, for Lyme.
L^nt^ Henry Crane, for Kenilworth.
Capt^n^ Nath. White, M^r^ John Hamlin, for Midleton.
M^r^ Dan^ll^ Braynerd, for Haddum.
L^nt^ Tho. Yale, for Wallingford.
L^nt^ Stephen Bradly, for Guilford.
L^nt^ John Higly, for Simsbury.
Ensi. Tho. Judd, for Waterbury.

The Gouerno^r^ haueing acquainted the Court they were called together to consider what farther they would doe in answer to their Ma^ties^ letters of March last towards the releife of Albany, the Court haueing considered the premises doe by their voat grant for their Ma^ties^ seruice as formerly they ten-

dered, that they will pay to Col. Fletcher or his order towards the charge of mayntaining that post, six hundred pownds, to be payd out of the country rate as it shall rise in the rate and at the price of the last country rate, to be deliuered at som porte or portes to be shiped for sayd Col. Fletcher and to go upon sayd Col. Fletchers risque and charge, or otherwise to be remitted to sayd Col. Fletcher as the Treasurer shall agree.

This Court doe grant and order that a rate of a penny upon the pownd shall be raysed upon all the rateable estate of the Colony for their Ma^ties^ seruice and for the assistance of Albany, according to their Ma^ties^ direction in their Ma^ties^ letters of March 3^d^, 169$\frac{2}{3}$, to be payd in the same specia and at the sam price as the country rate granted October last, and the Treasurer is ordered by this Court to send his warrants forthwith for the gathering of the same for the payment of six hundred pownds to his Excelency Col. Fletcher according to the grant of this Court, and the remaynder to be improued for the Colonyes use.

[251] Whereas in this time of warr we in this Colony are in danger to be assaulted by the enemie and such suddain attempts to be made upon us in one place and another as giue not opportunety to the Generall Court to meet and giue orders for the repelling of the enemie, and yet is highly necessary to be imediatly resisted for secureing or releiuing their Ma^ties^ subjects, this Court doe therfore order that in case of any such attaques, or attempts *or* [of] any of their Ma^ties^ enemies, that the next commission officers doe without delay with the souldiers under their command giue such releife to the place or places distressed and such offence to the enemie as their discression and oppertunety serues, and allso that as time will giue opportunety the Assistants of the seueral countyes, or so many of them as can conveen, shall giue with the aduice of the millitary officers to be come at farther or other order in those cases which shall be attended till the Gouern^or^ and Councill can meet and giue directions and order in such case, which they haue hereby power to doe, and which all persons concerned shall attend untill or unless the Generall Court can meet and giue other orders, and this to be extended to all cases by land or any of our riuers or harboures.

And allso that if any such attempts be made on any part of the teritory of New Yorke, that it shall be in the power of the Governor and Councill to send such releife and orders as in theire discression the nature of the exigencie and our capacitie doth require and admit, which shall be attended by all persons of this Colony till the Generall Court shall meet and giue farther or other order in the case.

And in case of the like attempts in the county of Hampsheire, that the Assistants that can conveen, with such of the principle millitary officers as can be come at, or the Governor and Councill, shall order their releife and the repelling the enemie according to their good discression.

This Court allowes Mr Allexandr Bryant the sume of seuen pownds, to be payd him by the treasurer out of the country rate for damage he receiued by porck he lent to the country formerly.

Whereas it is a time of warr and there are feares of suddain surprizalls of the enemie which may occassion suddain marches of the souldery to repell the enemies of their Maties and a prouission of biskit to that end is necessary, this Court doe therefore order that in each of the countyes of this Colony fifty bushells of good winter wheat be forthwith impressed by warrant from some of the magistrates of the respectiue countyes, and that the same be by their order made into biskit as soon as is possible and kept by their order in conuenient places to be used as occasion and lawfull order shall require the same, and the wheat so impressed to be repayd in specia out of the country rate as soone as may be.

Vpon the motion of Mr Tho. Fitch this Court grants him liberty to giue a deed of sale to Wm Goodrich for a parcell of land that formerly belonged to Nathaniel Scranton that he was as administrator to sayd Scrantons estate by the county court ordered to disspose of.

This Court orders that the Secretry by his warrant shall require the Constable of Glassenbury to return forthwith to him a coppy of their lists, both this year and last year list, and he to take and enter the same in the country booke and to return it to the Treasurer that he may accot with last year constable for

the penny rate in money, and send out his warrant for the gathering the rates granted since by the Generall Court.

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[252] A Court of Election held at Hartford May 10th, 1694.

These were nominated to stand for election,

Col. Robt Treat, Esqr, Wm Joanes, Esqr, Major Genll John Winthrop, Mr Samuel Willys, Lnt Col. John Allyn, Captn Andrew Leete, Captn James Fitch, Captn Samuel Mason, Captn John Burr, Captn Daniel Witherell, Mr Wm Pitkin, Mr Nath. Stanly, Captn Caleb Stanly, Captn Moses Mansfeild, Mr John Hamlin, Mr Henry Woolcot, Mr Tho. Trowbridge, Mr John Moore.

These were elected,

Col. Robt Treat, Esqr Governor,
Wm Joanes, Esqr, Dept. Govr,

Major Genll John Winthrop,	Capt. Danll Witherell,
Lnt Col. John Allyn,	Mr Wm Pitkin,
Captn Andrew Leet,	Mr Nath. Stanly,
Major James Fitch,	Capt. Caleb Stanly,
Captn Samll Mason,	Capt. Moses Mansfeild,
Captn John Burr,	Mr John Hamlin,* Esqr.

Capt. Joseph Whiting, *Treasurer.*
Lnt Col. John Allyn, *Secretry.*

The Deputies are,

Captn Cip. Niccols, Lnt Jos. Wadsworth, for Hartford.
Mr Henry Woolcot, Mr John Moore, for Windsor.
Lnt Abr. Dickerman, Mr John Allyn, for N. Hauen.
Mr James Auery, Mr Nehem. Smith, for N. London.
abs. Mr Tho. Clark; Mr Samll Newton, for Milford.
Lnt Tho. Heart, Ens. John Judd, for Farmington.
Captn Benj. Brewster, Ens. Richard Bushnel, for Norwch.
Mr Josiah Rosseter, Lnt Steuen Bradly, for Guilford.
Mr Wm Maltby, Lnt Eben. Stint, for Brandford.
Lnt James Treat, Ens. John Chester, for Weathersfeild.

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* In the place of Major Nathan Gold who died March 4, 1694.

Mr Wm Dudley, Mr Robt Chapman, for Saybrook.
Mr Dauid Waterbury, Mr Dan[ll] Westcar, for Standford.
Captn Nath. White, for Midleton.
Ens. Tho. Jud, for Watterbury.
Mr John Higly, Mr Sam[ll] Willcox, for Simsbury.
Lnt Henry Crane, for Kellingworth.
Captn Thomas Yale, Ens. Nath. Royse, for Wallingford.
abs. Mr Sam[ll] Wakeman; Mr Eliphalet Hill, for Fayrfeild.
Mr Wm Ely, Lnt Abram Brunson, for Lyme.
Mr Mathew Maruin, Mr Sam[ll] Hayes, for Norwalk.
Mr Eli. Kimberly, for Glassenbury.
Capt. Georg Denison, Deacon Nehe. Palmer, for Stoneington.
Mr Joseph Curtice, for Stratford.
Mr Tho. Tracey, for Preston.

This Court appoynt Col. Allyn and Major Fitch to return the thankes of this [Court] to the Reuerend Mr Moses Noyse for his great pains in preaching the election sermon.

These Commissioners were chosen for the year ensueing: Mr Henry Woolcot, Mr John Moore, for Windsor; Mr John Higley, for Simsbury; Mr Thomas Judd, for Watterbury; Capt. John Stanly and Lnt Thomas Heart, for Farmington; Captn John Chester, Lnt James Treat, Captn Robert Wells, for Weathersfeild; Mr Eliezer Kimberly, for Glassenbury; Captn Nath. White, Mr Wm Cheeny, for Midleton; Captaine Georg Gates, for Haddum; Captn Benj: Brewster, for Norwich and Preston; Mr Joshua Riple, for Windham; Capt. James Auery and Mr Richd Christophers, for New London; Mr Math Griswold, senr, and Mr Wm Ely, for Lime; Mr Nath. Lynes, Mr Wm Dudley, for Saybrooke; Lnt Henry Crane, for Wallingford;* Lnt Eben. Stent and Mr Wm Maltbey, for Brandford; Mr Moss and Capt. Yale, for Wallingford; Mr Tho. Clarke, Mr Alex. Bryant, Comr for Milford; Capt. Wm Curtice, Mr Jer: Judson, Mr Jos: Curtice, for Stratford; Capt. Minor, Lnt Israel Curtice, for Woodbury; Capt. Eben: Johnson, for Derby; Mr Nathan Gold, Captn Mathew Sherwood, Mr Sam[ll] Wakman, for Fayrefeild; Captn Tho. Fitch, Captn James Olmsteed, for

* So in the record,—read Killingworth.

Norwalke; Mr Samuel Beebe, for Danbury; Captn Silleck and Lnt Jonath. Bell, for Standford; Mr John Reynolds, for Greenwich.

Vpon the humble request of Fayrefeild alias Paquanaug that they may haue liberty to joyne themselues in church order, the Court hauing considered theire motion doe grant their request, they proceeding in an orderly way with the approbation of neighbour churches, and this Court desire they may haue the presence and blessing of God accompanying their good indeauoures therein, and the Court do grant that the name of Paquanage shall be altered and for the future it shall be called Fayrefeild Uillage,* and whereas they haue desired liberty to choose a society recorder, this Court understand not ther end therein, they belonging and being of the townes of Fayrefeild and Stratford, and there being recorders there according to law this Court see no need of any others but leaue them at liberty to make record of their own perticular affayres as they see cause and appoynt whoe they judg most suitable to make those records, allwayes prouided that the recorder of Fayrefeild is the only proper recorder of Fayrefeild and the village so farr as their bownds goe.

[253] The Pequots of Daniels towne being destitute of a governor since the death of Daniel and now moueing this Court for a setled ruler to be appoynted ouer them, this Court haueing looked back upon former orders doe find that there are and hath been two stated townes or plantations of Indians and formerly two gouernors or rulers set ouer each of the townes. This Court considering the premises judg it best to continue them in the same way for the future and continue Mawmohoe to be Governor of that towne of the Indians that doth belong to Stoneington, and for the Pequots that belong to New London this Court doe nominate and appoynt Scattup to be ruler and gouernor for and dureing the pleasure of this Court, and Lnt James Auery, Mr James Morgan, are appoynted to councill and aduice those Pequots in the township of New London as occasion may call for, and Captn Mason and

* They had suggested that the place might be called Fairford. Ecclesiastical, I, 129. The name was changed to Stratfield in May, 1701,—now Bridgeport.

Manassah Minor to doe the like for those Indians in Stoneington under the gouerment of Mawmohoe.

Whereas their most excelent Ma^{ties} King W^{m} and Queen Mary by their letters pattents haue granted a Post Office to be set up in these partes of New England for the receiuing and disspatching of letters and pacquets from one place to another for their Ma^{ties} speciall seruice and the benifit of theire Ma^{ties} good subjects in these parts, this Court being willing to encourage so good a worke doe order and enact that all such persons as shall be imployed by the Post Master Generall in the seuerall stages within this Colony of Conecticutt shall and may pass and repasse all and euery ferry within this Colony, from the day of the date hereof for and dureing this Courts pleasure, without payeing any rate or sume of money either for his own or horses passage.

This Court orders that whateuer was willed to Kitchamaquen by Daniel, either lands or orchard or other estate that is in his disspose, it shall be and belong to him, and what land they the Pequots haue peacably planted they shall reap and take of the fruits thereof in the appoynted weeks of haruest.

Whereas John Lathrop in his life time solde to Samuel Browne seuerall *persons* [parcels] of land in Wallingford and deceassed before he gaue deeds of sale for the same, this Court impower the administrators to the estate of sayd Lathrop to make, signe, seal and deliuer, sufficient deeds for the confirming of the same to the heirs and assignes of sayd Browne, and the sayd Brown his administrators are authorized in like mañer to confirm to John Doclitle those lands by firme deeds of sale.

Whereas Samuel Whitehead of New Hauen in his life time made sale of some smale parcell of land in New Hauen to M^{r} Pearpoynt and deceassed before he gaue deeds for the same, this Court impowers the administrators of the estate of s^{d} Whitehead to make, signe, seale and deliuer, sufficient deeds for the confirming of the same to the heirs and assignes of sayd Pearpoynt.

Whereas the town of Windham haue desired this Court that they may be of and belong to the county of Hartford, this

Court grants that the sayd Windham shall be and belong to the sayd county of Hartford till the Court order otherwise.

That there may noe inconuencie follow for the want of constables in the seuerall plantations, it is ordered by this Court that upon the decease or remoue of a constable in any plantation the towne shall forthwith by the townsemen call their inhabitants together and make a choyse of a new constable, whoe is imediatly to be sworn to attend the faythfull execution of his office, upon the penalty of fiue pownds for euery neglect of the townsemen.

Whereas it cannot but be expected that in the interuals of the Generall Court there may occassions fall in which may call for consideration and determination, this Court doe therefore order that whatsoeuer matter of dificulty and emergency shall fall in betwixt this and the Generall Court in October next, this Court leaus it with the Gouernor and Assistants that shall be conveened, prouided there be seuen with the Governor or Deputy Gouernor; and in case there should fayle a sufficient number of Assistants, the Governor is to make up their number out of the Deputies of the three next townes, Hartford, Windsor, and Weathersfeild, to consider and issue the same—allwayes prouided they doe not medle with the parting with any of our charter priuiledge without consent of the Generall Court.

John Elsworth is plaintife by way of appeale from the judgment of the Court of Assistants held at Hartford May 7, 1694, Tho. Abby defendnt., which action was an action of repliuin of two oxen, one mare, one horss, with their gears and other things impownded to the damage of ten pownd: In this action the jury did finde for the plaintife tenn shillings damage and cost of court, cost alowed fiue pownd seven shillings. This appeale withdrawn in Court.

This Court grant Captn John Chapman the priuiledg of setting up a ferry ouer the Great Riuer in Haddum for the future.

This Court grant Preston liberty to pay halfe of their rate in money which shall be accepted for their whole rate.

Samuel Hayward is plntf., Capt. Robert Wells is defendnt., by way of appeall from the judgment of the Court of Assistants held at Hartford May 7, 1694, which action was an action of the case for unlawfull detayning of a steer of sayd Wells's to a surrendery of the steer to sayd Wells with necessary cost: In this action the jury find for the defendent the surrendery of the steere in controuersy wth cost of courts for witnesses and attendance twenty fower shillings. In this action now the Court find for the *find for the* defendnt. a surrendary of the steer in controuersy and cost of courts, and that Capt^{n} Wells pay unto the plaintiff for his charge in wintering the steare and rates forty six shillings.

Arthur Henbury is plntf. by way of appeal from the judgment of the Court of Assistants held at Hartford May 7, 1694, Samuel Willcox, Peter Buel, and Nath. Holcomb defendnts.: which action was an action of the case for that the townsmen of Simsbury doe neglect or refuse to giue unto the sayd Henbury a deed and record of a certain tract of land lyeing within the township of Simsbury ouer the mountaines towards Stony Brook, and is the 6^{t} lott in that diuission and is forty rod in bredth at each end, and the jury fownd for the defendnt. cost of courts, cost allowed one pownd sixteen *s.* In this action the Court now find for the plntf. the land in controuersy and cost of courts, allowed fiue pownds fiue shillings.

[254] This Court being informed that Sarah Andrews of Waterbury, relict of Abram Andrews, doth request that she may haue liberty to sell the house and land her husband bought in way of exchange with Jonathan Scot, she being much in debt and the house lot being to be p^{d} for, she desires her brother Porter being principle creditor may haue it seeing the estate is in debt. The Court grant her request and impower her so to doe.

John Wyot as attourney to Weathersfeild is plntf. by way of appeale from the judgment of the Court of Assistants held at Hartford May 7, 1694, John Adgeet defendent, in which action the jury find that if the towne act be legall for the plntf., if it be not legall they find for the defendnt. cost of court; the court haueing considered the verdict of the jury doe judg the

order of Weathersfeild concerning those lands not legall and find for the defendnts. cost of court, cost allowed six shillings. In this action the Court now find for the defendant cost of court, in the whole eighteen shillings.

Capt[n] Daniel Clark as attourney to the church of Christ in Windsor desired this Court that they would declare their approbation of Mrs. Jane Hosfords will and testament, the Court haueing considered the same doe declare that they doe approue of the sayd will and testament and order it to be recorded.*

The Court grants administration on the estate to M[r] Henry Wolcot with the will anexed.

Whereas John Willson and Samuel Willson petitioned this Court that they would grant them administration on the estate of M[r] Tho. Nowell deceassed of Windsor they being next of kin to him in the country and no other impowered legally to look after the estate, this Court doe therefore grant administration on the estate of sayd M[r] Thomas Nowell to John Willson and Samuel with the will anexed.†

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* Mrs. Jane Hosford was the widow of that Henry Fooks of Windsor whose brief will is printed as that of Henry Packs(?) in vol. I, p. 56. Possessed of real and personal estate derived from her husband she married William Hosford whom she followed to England in August, 1655. In accordance with the custom then prevailing in Connecticut, as mentioned in the note at p. 72, her estate real and personal would upon her marriage pass to her husband. Before her marriage with Hosford she had reserved somewhat for her own disposal, and in process of time Mr. Hosford, having considerable of her reserved estate in his possession and some dissatisfaction arising thereupon, passed over to her about twenty acres of land in Hoyt's meadow, which had belonged to her former husband, to discharge in part what he was engaged to. Before she went to England she had made a will leaving this land for the use of a pastor or teacher in the church of Windsor, and subsequently confirmed the gift by a document dated at Tiverton, Co. Devon, Jan. 15, 1671. She was an ancient woman when she went away and had not been heard from for upwards of twenty years. The land was now in the possession of the heirs of John Hosford, to whom and to whose two sisters she had given the use of it during her life, and the Hosford heirs opposed the claim of the church on the ground that the giving of the land to his wife by William Hosford was after marriage and during coverture. Col. Rec. of Deeds, II,22, 220. Eccl I, 90–102.

† Thomas Nowell died about the close of the year 1648. His will and inventory are printed in vol. I, 506. Christopher Nowell, the legatee in fee, then in Leeds, Eng., bequeathed in 1657, to Rebecca, daughter of John Greathead, of Morley, Yorkshire, all his land in New England. She in 1670, with her husband, Thomas Shipton, assigned the same to Thomas Dawson, of Morley, who in 1687, appointed his kinsman, Abraham Haseltine, of Bradford, Mass., his attorney, to whom John and Samuel Wilson resigned the administration May 17. 1697. Papers connected with the estate are in Priv. Controv. V, 6, 7, 8. Court Papers, I, 135–141. Col. Rec. of Deeds, &c., II, 243, 256.

Upon the petition of Mrs Mary Collings of Midleton, this Court approues and grants liberty to the administrators of the Reuerend Mr Nath. Collins to make sale of ten acres of medow land that belongs to Nath. Collins as part of his portion for to be improued for the bringing up of the sayd Nath. Collins in learning at the coledge.

Mr Richard Edwards as attourney to Capt. Anthony Chikly of Boston petitioning this Court that they may by reason of the late Marshalls deceasse who had an execution to serue for sd Chickly on Tahan Grant of Windsor and as they say dyed before execution was perfected by him that he might haue a new execution or other order to finish the seruceing thereof: this Court haueing considered the premises doe declare they find execution was granted and leuyed and that sayd estate was apprized and Mr Edwards hath had the improuement of it for two yeares past and if any negligen[ce] hath omitted what was farther necessary to be done those agreiued may seek their releif as they see cause.

In answer to the petition of those on the east side [the] riuer at Hartford to haue liberty of a minister, this Court recommends it to both societies to meet and consider the proposalls made by their neighboures on the east side the Great Riuer and seriously consider the reasons in the sayd petition &c. in hopes their will be a good agreement, and upon farther application of the persons concerned this Court will farther consider of the case.

This Court granted Mr Alex. Allyn and Mr Maccum fiue pownds tenn shillings out of the country rate for damage the sayd Mackam receᵈ by the damage in eleuen barells of porck the country had of them.

This Court order that the accotˢ of the Colony shall be audited in the first week in October next, and this Court appoynts Captⁿ Witherel, Capt. Niccols, Mr John Chester, Mr John Allyn of New Hauen, Mr Bastard, they or any three of them, to audite the accotˢ of the Colony the first weeke in October next.

This Court grants liberty to the administrators on the estate of Nath. Adams late of Fayrefeild deceassed to make sale of so much of the deceased's lands as may sattisfy such debts as are

due from the sayd estate, the moueable estate falling short of payeing the debts of the sayd Adams.

This Court alowes John Watson for his wounds and cure and loss of time by sayd wownd which he receiued in the country seruice the sume of fiue pownds.

Whereas the inhabitants of Windsor on the east side of the Great Riuer haue petitioned this Court that [they] may haue liberty to procure and setle a minister amongst them to be mayntayned by the present inhabitants and those that shall inhabit there hereafter,* this Court grants there petition that they may procure a minister to setle with them, prouided all those that liue on the east side the riuer shall be at liberty to continue and repayre to the ministry on the west side and there to pay their dues and dutys, and all those on the west side of the riuer that haue estate in land or otherwise on the east side their estate shall be rated to the ministry of the west side, and this order to take no place till they of the east side haue a minister setled among them and to continue no longer then they doe keep a minister there.

This Court by their vote granted that Glassenbury should be freed from paying their country rates ready past all except their penny rate which was to be payd in cash.

There being a continued difference between Stoning[ton] and Preston about their bownds, this Court for the issue of the same doe order that Stonecington north bowndes shall be as followeth: they shall begin their norwest corner at a great whit oak tree marked by Capt^{n} James Auery and James Morgan with ten notches, sayd to be ten miles from the sea be it more or lesse, and this Court [order] that a direct line from the sayd white oake to the northeast corner of Stonecington bownds at the ceder tree marked and layd out by L^{nt} Leffingwell and Ens. Tracey shall be and remayn the north bownds of Stonecington, any former order to the contrary notwth-standing.

[255] This Court by their vote did appoynt Deacon Palmor, Ens. Ephraim Minor, Tho. Tracey and John Parke by this Court appoynted to run the line between Preston and Stone-

* The petition with forty-four signatures is in Ecclesiastical, I, 103.

ington according to order of Court upon the towne charges and to make return to the Court as soon as it is done.*

This Court orders that the Treasurer shall accept of no bills for payment of debts due from the countr[y] but such as are signed according to law and specifyed for what the country is indebted to them by their bills.

Whereas in the law title Juries and Jurors, in the 4th paragraph it is sayd It shall be in the power of the court to impanel another jury &c., it is repealed, and it is ordered it shall not be in there power to impanell another jury.

The Court is adjourned till the Governor or Dept. Govr shall see cause to call them againe.

[The following, as an order of this session, is found in the Windsor and in the Stanly MSS.]

This Court, considering the charges the Colony is at for mayntaining of forts, having frequent occasion for protection of our navigation trading amongst us as well as ourselves, doe therefore see cause to order and appoint that every vessell above eight tuns coming under the command of our forts to unliver or load shall pay to the office of the place where they shall enter and clear, for every tun above eight one quarter of a pound of ammunition for the fort where the said vessells doe enter and clear; provided all their Majesties subjects may have liberty to come into any of our harbours only to wood and water and go free if they stay not above forty eight hours or that wind and weather prevent, otherwise to pay as abovesaid; only such vessells as do frequently and often pass and repass shall be cleared for paying twice a year.†

A Generall Court held at Hartford, October 11th, 1694.

Robt Treat, Esqr, Govr.
Wm Joanes, Dept. Govr.

Lnt Col. John Allyn,	Mr Nath. Stanly,
Capt. Andrew Leete,	Mr Daniel Witherel,
Capt. James Fitch,	Capt. Caleb Stanly,
Capt. Samll Mason,	Capt. Moses Mansfeild,
Capt. John Burr,	Mr John Hamlin.

* Papers about the boundaries of Preston and Stonington are in Towns and Lands, I, 239, 240, 243, 244, id. II, 2, 7.

† Stanly MS. Twice in one year.

Deputies:

Capt. Jos. Wadsworth, Capt. Ciprian Niccols, for Hartford.
Mr Henry Woolcot, Mr John Moore, for Windsor.
Mr James Treat, Mr Robt. Wells, for Weathersfeild.
Lnt Abram Dickerman, Mr John Allyn, for New Hauen.
Mr Samll Fosdick, Capt. Tho. Auery, for New London.
Mr James Judson, Mr Nath. Sherman, for Stratford.
Mr Nath. Lyne, Lnt John Clark, for Saybrooke.
Mr Tho. Clarke, Lnt Sam. Newton, for Milford.
Sarjt John Platt, Mr Thomas Betts, for Norwalk.
Mr Nehemy: Palmer, Mr John Denison, for Stonington.
Capt. Benj. Brewster, Mr John Tracey, for Norwich.
Capt. Georg Gates, for Haddum.
Lnt Tho. Heart, Ens. John Judd, for Farmington.
Lnt John Morgan, Mr John Parke, for Preston.
Ebenez. Mead, for Greenwich.
Mr Daniel Westcar, Mr Daniel Weed, for Standford.
Timo. Standly, for Waterbury.
Mr Nathan Gold, Mr John Wakeman, for Fayrfeild.
[256] Mr Wm Ely, Lnt Abr. Brunson, for Lyme.
Capt. Tho. Yale, Deac. Jno Hall, for Wallingford.
Mr John Higley, Mr Sam. Wilcoxson, for Simsbury.
Mr Josi. Rosetcr, Deacon Wm Johnson, for Guilford.
Lnt Henry Crane, for Kellingworth.

[255] The Gouernor gaue the Generall Court an accot of their transactions upon the soliscitations of his Excelency Col. Fletcher, and his Excelency Sr Wm Phips, and Lnt Govr Stoughton, with the desire of the Fiue Nations that we should by some agents and some souldiers meet at Albany to renew the ancjent league of freindship with the Fiue Nations, which hath been attended to the great cost of the Colony to the value of about 400*l*. This Court doe thank the Govr and Councill for their care and endeauoures about the same and doe approue thereof.*

* War, II, 226–239. The Governor and Council appointed Lt. Col. Allyn and Capt. Stanly, with a guard of sixty dragoons commanded by Capt. Wadsworth, to attend the negotiations. A journal kept by Rev. Mr. Wadsworth, of Boston, who attended the Massachusetts Commissioners, is printed in IV, Mass. Hist. Coll. I, 103.

And whereas Mr Leuingston doth make a demand of 6*l.* cash for coppyes of the transactions with the Indians at Albany August last, this Court haueing considered the same doe not see reason but doubt not but what is to be payd will be payd *will be payd* by them that set him a work to giue our gentlemen the coppyes, they not improueing Mr Leuingston to write them.

The list of the persons and of the estates of y^e^ Colony.

Persons.	*l.*	*s.*	*d.*	*Persons.*	*l.*	*s.*	*d.*
275 Hartford,	18115	00	00	171 Milford,	09697	00	00
120 Midleton,	05800	00	00	256 New Hauen,	14009	00	00
180 Fayrefeild,	10080	00	00	079 Lyme,	04331	00	00
203 New London,	10472	00	00	112 Standford,	05338	00	00
102 Saybrook,	05323	00	00	072 Brandford,	03855	00	00
043 Waterbury,	01554	00	00	108 Norwich,	05576	00	00
076 Haddum,	03005	00	00	212 Weathersfeild,	11289	00	00
060 Wallingford,	04226	00	00	44 Glassenbury,	01708	00	00
059 Greenwich,	01689	00	00	120 Guilford,	07079	00	00
072 Simsbury,	03661	00	00	085 Norwak,	05467	00	00
130 Stratford,	08720	00	00	Derby,			
109 Farmington,	06937	00	00	Preston,			
319 Windsor,	15376	00	00	061 Woodbury,	03049	00	00
122 Stoneington,	06047	00	00	048 Kelingworth,	02127	00	00

[256] Samuel Lewes is pltf. by way of appeall from the Court of Assistants October 4, 1694, Mr Joseph Rowlenson defendt., which action was an action of the case for that he unjustly and fraudulently transported and sold a hors of his wthout his knowledg and approbation to the damage of twenty pownds in the year 1687, in which action the jury did find for the defendant cost of court. In this action the court find for the pltf. that the defendant pay to the plantife for his horsse three pownds and for the charge of the court and his prosecution six pownd in pay and 20*s.* in money; the whole is 9*l.* in pay and 20*s.* money. Execution dd Feb. 27th, 169$\frac{4}{5}$, for 10*l.*

John Willson and Samuel Willson as administrators to the estate of Mr. Tho. Nowell late of Windsor deceassed pltf. by way of appeale from the judgment of the Court of Assistants October 4, 1694, Thomas Cook defendnt., which action was an action of the case for illegall entering upon a certain estate sometime belonging to Mr Thomas Nowell in the towne of

Windsor and improueing the same, it being a dwelling house and home lot with other lands belonging thereto, to a surender of the sayd house and land with twenty shillings damage: In this action the jury did find for the defendant cost of court. In this action this Court find for the plntf. cost of the court and a surrender of the sayd house and land to sayd John and Samuel Willson as administrators [to] Mr Tho. Nowells estate late of Windsor deceassed. Cost allowed John Willson 4 dayes attendance and Samuel Willson 3 dayes attendance. Execution deliuered November 1st, 1694, for a surender of the house and land and three pownds twelue shillings cost.

Mr Henry Woolcot as attourney to the church of Windsor plntf. by way of appeale from the judgment of the Court of Assistants October 4, 1694, John Hosford defendnt.: which action was a complaynt for his neglecting or refuseing to make deliuery of a parcell of land belonging to the estate of Mrs Jane Hosford by her dissposed of *her* by her last will which will receiued its sanction by the sentance of the Generall Court May last, the land being in quantity twenty acres of meadow and swamp lyeing within the township of Windsor at a place comonly called Hoyts meadow, to a surrender of the land with fiue pounds for the use of the land: In this action the jury did find for the defendant cost of court. In this action the Court find for the plntf. the action and cost of this court. Ex. dd January 10, 169$\frac{4}{5}$.

This Court continues there former order respecting a Councill in the interualls of the Generall Court till the Generall Court in May next.

This Court alowes that horses shall be payd for the journey to Albanah August last 18*s*. p horse.

Daniel Mathews the condemned malefactor* haueing been repreiued by three of the Assistants, and Daniel Mathews petitioning this Court to consider and grant him releife and inlargement from his imprisonment, this Court haueing con-

* The prisoner Daniel Mathews, alias Taylor, late of New York, had been convicted of several rapes before the Court of Assistants, in October, 1693, and sentenced to death. Rec. Co. of Assist. II, 21, 27. Crimes and Misdemeanors, I, 197–201. By the aid of William Wright, an Indian, and John Rogers, jun., of New London, he escaped from prison and out of the Colony, but was recaptured.

sidered the case and the objections made by those that granted the repreiue and by the prisoner, this Court haueing duely considered the premises doe not see reason to grant him any goale deliuery.

This Court allowes Mr Bryant 40*s*. as an adition to the 7*l*. granted for damages about porck and beife.

[257] Mr Whitting is by this Court approued to be Ensigne of the traine band of the sowth side of the litle riuer in Hartford, and is to be commissionated accordingly.

Whereas there is a misunderstanding about the setlement of the bownds of Stonington their north bownds which is in part Prestons sowth bownds, the Court haueing considered the same and what they haue at former Courts and now heard, for a finall issue of this mater it is ordered by this Court and the authority thereof, that a direct line from the norwest corner of Stoneington bowndes, which is a white oake tree with ten notches cut in it, to the north east corner of their bowndes, which was a ceder tree marked and layd out by Lut [Leffingwell] and Ens. Tho. Tracey, or as neere that tree as they can come at shall be the north bownds of Stoneington and the sowth bownds of Preston, so far as those two townes bownd one upon another; and that what lands Stoneington haue formerly layd out to any of their inhabitants within Preston bowndes or what lands Preston haue layd out to any of their inhabitants in Stoneington bownds through any misstake of the bownds the propriety shall remayn good to the person to whome it was granted but the sayd lands to be subject to the order of that towne in whose bownds it shall fall, any former order to the contrary notwthstanding; and Lut Lefingwell and Mr Samll Chester and John Post or any two of them are to lay out or run and marke out this line forthwith at the charge of the respectiue townes of Stonington and Preston, and make report of the same to this Court.

This Court grants a rate of three pence p pownd to be raysed of all the estate of this Colony, to be payd in wheat, good winter wheat at 5*s*. p bushell; indian 2*s*. 6*d*. p bush.; pease 3*s*. bushell, not bugge eaten; good and merchantable rye 3*s*. p bush.; porck well repact 3*l*. 10*s*. p barell; beife 2*l*. 5*s*. well

repact, all to be good and merchantable. If any will pay money for his rate he shall pay the one halfe of it in currant money and so it shall be accepted for his rate, allwayes prouided no man shall pay aboue a third part of his rate in rye.

This Court by their vote granted to New London the sume of sixty pownds towards the charge of the rebuilding of their meeting house, to be payd out of their country rate.

This Cour[t] grant unto Waterbury their country rate for this year towards the finishing of their meeting house, prouided they doe discharg what debts are due to them from the country there.

These were nominated for the election in May next, Col. Rob^{t} Treat, Esq^{r}, W^{m} Joanes, Major Winthrop, Sam^{ll} Willys, John Allyn, Andrew Leet, James Fitch, Sam^{ll} Mason, John Bur, Daniel Witherle, W^{m} Pitkin, Nath^{ll} Stanly, Caleb Stanly, Moses Mansfeild, John Hamlin, Esq^{rs}, Capt. Jona. Silleck, Nathan Gold, M^{r} Tho. Trowbridg, M^{r} Henry Woolcot, Doctor Tho. Hooker, M^{r} Rich^{d} Christophers, M^{r} Alexander Bryant, M^{r} John Moore, M^{r} Nath. Lynes.

This Court grants the Gov^{r} a sallery of one hundred pownd for this yeare, and the Deputy is granted forty pownds, the Secret^{r}y is alowed twenty fiue pownds, and the Treasurer is allowed thirty pownds, and the Marshall fifteen pownds.

This Court made choyse of M^{r} John Burr to be Sarj^{t} Major of Fayrefeild county, who is to be commissioned accordingly.

This Court makes choyse of Captaine Mansfeild to be Sarj^{t} Major of New Hauen county, whoe is to be commissioned accordingly.

This Court made choyse of the Honoured Gov^{r}, Col. Allyn, Capt. Mason, Capt. Fitch, M^{r} Nath. Stanly, Capt. Caleb Stanly, M^{r} John Hamlin, they or any fiue of them, and impower them to be a court of oyer and terminer in way of chauncery for the issue of a case depending between M^{r} Samuel Willys and M^{r} John Blackleach, both of Hartford, to hear and issue the same as they shall haue oppertunity.

Upon the request of Quanapew, this Court grant him liberty to prosecute his complaint against Deacon Isack More at the comon law and remoue all barrs out of his way.

This Court frees Samuel Dix his person from the list of estates by which rates are made, by reason of his weaknesse.

Upon the motion of widow Wells* of Dearefeild that she might haue liberty to craue the charity of the good people of this Colony for her releife of the great charge she hath bin at in the cureing the wounds of her children which they receiued by the Indians, this Court recommends it to the congregations in Windsor, Hartford and Weathersfeild and Farmington to be charitably helpfull to the woman therein.

Upon the motion of Mr John Goodyear that he might haue liberty to receiue a parcell of land giuen to his father formerly and to him by the Indians now of late, lyeing at Pockatonick, this Court doe grant him liberty to receiue the same for his owne benifit, and confirm it to him his heires and assignes for euer.

[258] This Court findeing that former prouission for killing of wolues is not sufficient, this Court for the incouragment of the good peopl to destroy those pernicious creature[s] doe se reason to grant an addition of two shillings a head out of the country rate to be payd by the Treasurer for all such wolues as are killed in this Colony.

It is allso ordered that whosoeuer shall kill any panter in this Colony and make it so appeare he shall be payd out of the pub: treasury twenty shillings p head.

Whereas the good people of Woodstock haue petitioned this Gen[ll] Assembly to giue and grant confirmation of what lands may fall within this Colony lyne in such proportions as allready is or hereafter may be agreed on within the compass of sayd grants, this Court grants the petitioners their desire and petition, and for the incouragement of the good people in their beginings at Woodstock, they haueing been at so great a charge to setle and plantation, this Court allso grants to all the inhabitants within the lyne of this Colony shall be freed from ordinary country charges for two yeares from the date hereof.

This Court doe appoynt Mr John Butcher to run the lyne

* Widow of Lieut. Thomas Wells, and daughter of William Buell of Windsor. Hist. of Hadley, 260.

between Massachusets and Conecticutt with Capt. Wm Whitting and Mr Samuel Chester according to former order.

This Court *doe* for the sattisfaction of such as are consciencionsly desireous to be marryed by the ministers of their plantations doe grant the ordayned ministers of the seuerall plantations in this Colony liberty to joyne in mariage such persons as are qualifyed for the same according to law.

This Court orders that if the gentn of Boston doe neglect to run the line with us between this Colony and the Massachusets, that then those of this Colony are to run the line of themselues without them and to make report thereof to this Court.

As an addition to former lawes, whereas there is an exceding great abuse in this Colony by those who presumptuously retayle strong drinck or liquers unto men whoe are poore and not able to pay for the same without great prejudice to themselues and famalyes by such irregularities, for the prevention thereof as much as may be, it is therefore enacted by this Court and the authority thereof, that after publication hereof whatsoeuer person or persons shall sell or retale strong drinck under the quantity of an anchor at a time in any of the plantations of this Colony without lycenss from authority according to law they shall haue no liberty or benifit of the law to recouer their debts for the same.

Whereas at a meeting of the towne of Hartford October 5th, 1694, in complyance with the recomendation of the Generall Court May last, sundry of both societies being met together and the rest being warned to meet, we haue considered the motion of or neighboures on the east side and that in refference to their desire of setling a ministry on the east side of the riuer, we doe declare we prize their good company and cannot without their help well and comfortably carry on or mayntaine the ministry in the two societies here, yet upon the earnestnes of or neighbours to be distinct because of the trouble and danger they complayne they are exposed to by comeing ouer to the pub: worship here, which difficulty they could not but foresee before they setled where they are and therefore is of less wayte to us, and upon these considerations we canot be free to parte with our good neighbours, yet if the Generall Court see cause

to ouerrule in this case we must submit, but we desire if so it must be that then those of the good people of the east side that desire to continnue with us of the west side shall so doe, and that all the land on the east that belongs to any of the people of the west side shall pay to the ministry of the west side, and that all the land of the west side shall pay to the ministry of the west side though it belongs to the people of the east side, allso it is to be understood that the good people of the east side shall pay to the ministry of the west side till the people there haue an orthodox minister there amongst them, and at all times when they shall haue no such minister amongst them they shall pay to the west side ministry: upon these foregoeing conditions and articles the Court grants them liberty to procure and setle an orthodox minister on the east side the Great Riuer in Hartford.

This Court being informed by our neighbours of Windham that sundry of their towne who haue taken up land there and yet are not setled there doe neglect payeing ther sayd rates, and the inhabitants canot com at their personall estate to leuy the same for their sayd rates, this Court therefore judg that in all such cases they shall and may seiz there lands for their rates and bring the same to a tryall, if it be under forty shillings before an Assistant or Com^r, and upon judgment to pass to execution. If the same be aboue forty shillings then to pass to a tryall in the county court.

The Court is adjourned till the Gov^r or Deputy Gov^r shall call them together agayne.

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[259] A Court of Election held at Hartford May 9, 1695.

These were nominated to stand for election,

Col. Robert Treat, W^m Joanes, Major Gen^ll Jn^o Winthrop, Sam^ll Willys, L. Col. John Allyn, Capt^n Andrew Leet, Capt. James Fitch, Capt. Sam^ll Mason, Capt. Dan. Witherly, Nath. Stanly, Capt Caleb Stanly, Major Moses Mansfeild, Capt. John Hamlin, Esq^rs, Capt. Jona. Sillick, M^r Nathan Gold, M^r Henry Woolcot, M^r Alex: Bryant, M^r Tho: Trowbridg, M^r Tho:

Hooker, Mr Richard Christophers, Mr John Moore, Mr Nath. Lynes.

These were elected,

Col. Robt Treat, Esqr Govr,

Wm Joanes, Esqr, Dept Govr,

Assistants:

Major Gen. John Winthrop,	*Nath. Stanly,
L. Col. John Allyn, *and Secry*,	Caleb Stanly,
Andrew Leet,	Moses Mansfeild,
James Fitch,	John Hamlin,
Samll Mason,	Jonath. Silleck,
Danll Witherly,	Nathan Gold,* Esqrs.

Joseph Whiting, *Treasurer.*

Deputies are,

Capt. Jos. Wadsworth, Capt. Ciprian Niccols, for Hartford.
Mr Henry Wolcot, Mr Danll Heyden, for Windsor.
Lnt Abram Dickerman, Mr John Allyn, for New Hauen.
Mr James Benit, for Fayrefeild.
Mr James Auery, Mr James Morgan, for New London.
Lnt John Tracey, for Preston.
Captn John Stanly, Capt. Tho. Heart, for Farmington.
Mr Ephraim Stiles, Mr Nath. Sherman, for Stratford.
Mr Tho. Clarke, Mr Siluanus Baldwin, for Milford.
Lnt Henry Crane, for Kenilworth.
Capt. Benj. Bruster, Ens. Wm Bushnell, for Norwich.
Capt. Tho. Yale, for Wallingford.
Sarj. Timo. Standly, for Waterbury.
Lnt James Treate, Mr. John Chester, junr, for Wethersfeild.
Mr John Rosseter, Mr Tho. Mecock, for Guilford.
Capt. Johnson, Ens. Riggs, for Derby.
Samll Hayes, Jacin Gregory, for Norwalk.
John Hollon, Nehemiah Palmer, for Stonington.
Dan. Braynerd, for Haddum.
Capt. Nath. White, Mr Wm Cheeny, for Midleton.
Mr Wm Ely, Mr Abram Brunson, for Lyme.
Mr Nath. Lynes, Deacon Dudley, for Saybrooke.

* The last two elected to supply the vacancies occasioned by the death of Major John Burr, which took place after October, 1694, and that of William Pitkin, December 16, 1694.

Com^rs wer chosen for the seueral townes:

For Windso[r], M^r Henry Woolcot and M^r John Moore; Capt. John Chester and L^nt James Treat, for Weathersfeild; Capt. White and M^r W^m Cheeny, for Midleton; Capt. Georg Gates, for Haddam; Capt. John Stanly, L^nt Tho. Heart, for Farmington; L^nt Tho. Judd, for Waterbury; M^r Joshua Riple, for Windham; Capt. Benj. Bruster for Norwich and Preston; M^r Rich^d Christophers and Capt. James Auery, for New London; M^r W^m Ely and M^r Mathew Griswold, for Lyme; M^r Nath. Lynes, M^r W^m Dudley, for Saybrooke; M^r Henry Crane, for Kellingworth; M^r Moss and Capt. Yale, for Wallingford; L^nt Eliezer Stent, for Brandford; M^r Alexander Bryant and M^r Tho. Clarke, for Milford; Capt. Ebenezer Johnson, for Derby; Capt. John Minor and Iserel Curtice, for Woodbury; Capt. W^m Curtice, M^r Joseph Curtice, M^r Richard Blackleach, for Stratford; M^r John Wakeman, Capt. Mathew Sherwood, for Fayrefeild; Capt. James Olmsteed, for Norwalke; L^nt Jonath. Bell, for Standford; M^r John Reinolds, for Greenwich; M^r James Bebee, for Derby.*

Upon the petition of M^r Nath. Wade† that this Court would grant him liberty to practice phissick and chirurgery, the Court haueing had sufficient certificate of the sayd Wade his good abillities and prosperous successe in his former practice doe see reason to lycenss and grant him liberty to practice phissick and chirurgy in this Colony and desire the blessing of God may accompany his endeauoures.

The same priuiledg and liberty is granted to M^r John Fisk.‡

The Court left it with M^r Nathan Gold [to administer] the oath of an Assist. to M^r Jonathan Silleck, Assistant, and to the Com^rs in the county of Fayrefeild, except to Woodbury Commissioners; and M^r Heart to administer the oath to Ens. Judd, and sayd Judd to administer the oath of a Commissioner

* So in the record,—read Danbury.

† Nathaniel Wade represents that he was educated at the college in Cambridge, though his name does not appear among those upon whom degrees have been conferred there, and presented recommendations from Rev. Israel Chauncey and James Pierpont. He was now an inhabitant of New Haven. Civil Officers, &c. I, 30, 32.

‡ Mr. Fiske had practiced medicine for several years in Wenham, Mass., but was now settled at Milford. His petition and testimonials are in Civil Officers, &c., I, 33.

to Capt^{n} Minor and L^{nt} Curtice; and M^{r} Witherel to administer the Com^{rs} oath to Capt. Auery and M^{r} Christophers, and M^{r} Fitch to administer the oath to M^{r} Riple; M^{r} Lynes to administer the oath to M^{r} Mathew Griswold, and M^{r} Ely to administer the oath to Capt^{n} Gates.

This Court appoynt Capt. Mason and M^{r} James Morgan and M^{r} James Auery and L^{nt} Tho. Heart to hear what the Indians haue to complayne of, and to consider what they shall present to them and what may be meet to be done therein and present it to the Court to make a setlement thereof.

This Court free Thomas Norton, Luk Hill, and John Russcoe, their persons from the list of estates by which rates are made.

[260] This Court upon the motion of the deputies of Haddum doe countenance and encourage the good people of Haddum to imbody themselues in church estate, prouided they attend that good work according to law with the consent of the neighbouring churches.

This Court granted Mary Roberts to make sale of a parcell of outland called a 3^{d} diuission land in New Hauen, containing about thirty acres, for the necessary supply of herselfe and children, her husbands being insoluant when he deceassed and leauing seuen children wth her to bring up; the Court grant her request and impower her accordingly to make legall conuayances for the same.

This Court for the setlement of the Pequit Indians order as followeth, that those of the councill by the Courts appoyntment doe take the care and gouerment of the Indians which did appertaine unto Mamochoe, they to remoue into the bownds of Stonington with a liberty of improuement of their lands in New London so long as they shall behaue themselues peaceably and the towne of New London shall agree, and that Wasscatup is hereby ordered to take the care and gouerment of the Indians liueing in the bownds of New London according to former order.

Wesscatup and people desire this Court to continue Capt^{n} James Morgan and L^{nt} James Auery to aduise and councill them, which the Court accordingly doe allowe, and doe order

that they sayd ouersecrs shall take care that Scattup be not oppressiue to any of the natiues under his care.

This Court upon the motion of Margaret Tompson that she and her husband haueing morgaged her house and land to Mr Jonah and Timothy Clark for a certaine sume of money in sayd mortgage fully specifyed she alledging that she can make sale of it to her aduantage and gaine somthing for her comfort if she might haue liberty to make sale of the same, this Court doe therefore grant sayd Margaret Tompson administratrix to the estate of John Tompson power she paycing her debt and the interest and take up the mortgage to make sale thereof for the best aduantage of herselfe and children.

This Court doe for good reason grant the Reuerend Mr Peirson two hundred acre of land for a farme, prouided he take it up where it may not be prejudiciall to any perticular person or plantation, and the surueyor of the next town where he shall take up his farm is appoynted and impowered to lay it out to him according to his grant.

This Court doe hereby repeall that part of the law which was made Octobr 12, 1682, that orders execution shall not pass forth from the first of May till the first of Nouember annually, and doe now order that execution shall pass forth at any time and season requireing the same after the publication hereof.

Whereas this Court Octobr 12th, 1682, ordered that upon execution the estate shal be sold at an outcry, this Court doe now see reason to order that after publication hereof that no estate taken by execution for debt shall be sold at an outcry but shall be deliuered upon aprizall according to the law title Executions, rates and fines excepted.

This Court upon the petition of seuerall of Weathersfeild and Glassenbury that this Court would apoynt a committee to setle the bounds of their lands on the east side of the great riuer at Nabuck which two committees were appoynted to doe but did not finish the same, this Court doe therefore order and appoynt Sarjt John Deming, Sarjt John Wells, Mr James Treat, and Benja. Churchall, to attend the sayd seruice and perfect the same according to the first and originall grants as

neer as they can, to begin at the sowth side of Capt. Tallcots lott and so to proceed as there is occassion.

Upon the motion of Nathaniell Bissell this Court doe grant him liberty, if the necessity of the children require it or the want of estate to pay just debts, to make sale of a house and land that [he] receiued by vertue of an execution from the Marshall as he was administrator to the estate of his son in law Tahan Grant, jun^{r}, and that Nath: Bissell upon the receiueing of the same to giue securety, that when just debts are payd the remaynder shall be preserued and improued for the widow and childrens benifit.

Mr. John Fyler is plntf. by way of appeale from the Court of Assistants held at Hartford May 7th, 1695, Zerubabel Fyler defendant, which action was an action of debt due by bond of one hundred pound for that he did neglect or refuse to abide by and perform the awarde of M^{r} W^{m} Pitkin, M^{r} Nath. Stanly and M^{r} John Higley, they being chosen to issue maters between them as appears by the bond itselfe bearing date March 1, 9$\frac{2}{3}$; in which action the jury did find for the then plntf. Zerubabell Fyler cost of court, cost alowed 2*l.* 4*s.* 0*d.* This appeal withdrawn and the papers were by order of Court deliuered up to them, they haueing determined to burn them both plaintife and defendant.

Thomas Heart was chosen and confirmed Captain of Farmington traine band, and John Judd L^{ut}, and John Heart Ensign of sayd traine band, and are to be comissionated acordingly.

[261] Joseph Peck is plntf. by way of appeale from the Court of Assistants held at Hartford May 7, 1695, Samuel Hayward defendant, which action was an action of the case for that he the sayd Peck did in or about the moneth of December, 1693, make sale of a steer to Samuel Hayward for the sume of fower pownds country pay, which steer was claymed by Capt. Robert Wells of Weathersfeild whoe recouered sayd steer with cost of court from sayd Hayward, and for that he neglects and refuses to pay sayd Hayward the cost and charges . . h the 4*l.* he receiued for the sayd steere, with damage to the value of twelue pownds as shall be made appeare, with

necessary costs: In this action the jury finde for the plaintife seuen pownd and cost of court if the law doth determine that a judgment of the Generall Court is an end of law, if not they find for the defendnt. cost of court, the Court judg in the affirmatiue that a judgment of the Generall Court is an end of law and accept of the verdict of the jury and allowed cost 1*l.* 8*s.* 6*d.* In this action the Court find for the defendant eight pownd eight and six pence and cost of this court for 3 dayes attendance six shillings. Execution granted Feb. 27, $169\frac{5}{6}$.

The executors of John Sads estate appeared before this Court by way of appeale from the judgment of the Court of Assistants May the 7, 1695, in the setlement of John Sads estate; the Court haueing heard what was objected by the sayd executors and answered by the widow and her attourneys, this Court doth approue of the setlement of the county court January the 1st, $169\frac{4}{5}$, made of the estate of the sayd John Sad and doe approue of the will of John Sad with that alteration that the county court made granting to the widow according to the law and Sads desire a third of the estate, and the remaynder of the estate to be dissposed by the executors according to the will of John Sadd which is accordingly ordered by this Court, approued and established, and without this alteration it would be a defectiue will and cut the widow short of her naturall right in the estate.

Whereas the Marshall meets with difficulty in the execution of his office in serueing writts &c, it is therefore ordered by this Court and the authority thereof that the Marshall of the Colony and the County Marshalls in theire respectiue precincts shall haue full power to call any man or men to his or their assistants in the just execution of their offices within this gouerment as the nature of the case shall require, and the charge that thereby shall arise shall be payd by the debtor or delinquent who shall occassion the same; and in case any person or persons shall be commanded to assist the Marshall in the execution of his office and he s[h]all neglect or refuse the same, he or they shall forfeit the sume of twenty shillings for any such neglect or refuseing, to be payd to the pub. treasury of the county or Colony where the case shall be tryed.

This Court saw reason to make choyse of Capt. Daniel Witherell to be Capt^{n} of the forte at New London, and they saw reason and doe see cause to discharge Capt^{n} John Prentice from attending the forte any longer, and doe order him to deliuer up to the sayd Capt^{n} Daniel Witherell all the gunns, armes, and amunition, and utensills, that doe belong to the sayd forte, which are to be entered in a book and kept upon record that they may not be forgotten.

And this Court orders that Capt. Witherell upon necessary occassions calling him out of the towne doe order and appoynt *that he doe appoynt* a deputy L^{nt} under him in the time of his absence to take care of the concernes of the forte.

This Court grant that the relict of Thomas Bell shall haue liberty with the aduice of Capt^{n} Sam^{ll} Mason and M^{r} John Holland to sell som part of her land for the necessary supply of her famaly and to giue deeds of sale for the same.

This Court grants the administrators of Benj. Turney liberty to make sale of so much lands as must of necessity be sold to pay the debts of the deceassed, in which they are to take the aduice of M^{r} Nathan Gold and L^{nt} James Bennit.

This Court grant Joseph Peck a remission of what is due from say[d] Peck to the country for his tryall in the Generall Court this court.

This Court made choys of Capt. Wetherell, M^{r} Bastard, M^{r} John Allyn, M^{r} John Chester, Capt^{n} Niccolls, to be auditors to audite the country accots with the Treasurer.

This Court return there thanks to M^{r} Stow for his great paynes in preparing a History of the Annalls of New England.

Upon the petition of those of the east side of the riuer in Windsor that haue procured a minister that this Court would grant them some incouragement in their worke towards the building of a meeting house for the worship of God, this Court grants those of that society soe much of their country rates as may amount to three pence upon the pownd.

This Court grants the administrator of Sam^{ll} Halys estate liberty and power to grant Doctor Butlar a legall deed of sale for a certain parcell he bought of his.

Upon the petition of some of Guilford that they might haue liberty to be joyned to Kellingworth so as to pay the minister

of sayd Kellingworth, the Deputies of Guilford pleading the towne had not impowered them to act in this matter the Court refer the matter to the Generall Court October next, and appoynt the deputies of Guilford to giue theire towne notice thereof, that they may by themselues or by some appear to declare to the Court what they haue to say in this matter that the Court may com to an issue thereof; but this Court should much rejoyce to hear you would come to a complyance amongst yourselues of these matters which is most elligble and would be to the great sattisfaction of the Court could it be obtayned.

Whereas it is fownd by experience that excessiue drincking increaseth amongst us, and that the multiplying of lycensed houses to sell strong beer, wine and liq^{rs}, is an occassion of the growth of such disorders, for the preuention thereof this Court doth order and by the authority [thereof] it is ordered and enacted, that after the publication hereof whosoeuer shall sell any strong drinck, wine, cyder, or beere, without any lycense, he shall pay a fine of forty shillings, the one halfe to the complayner and the other halfe to the county treasurer; and it is allso ordered and hereby declared that all lycenses for retailing any sorte of strong drinck are hereby called in, except [262] such as are lycensed and accordingly doe || entertaine strangers and trauelo^{rs} and there horses, and from henceforth whosoeuer shall desire a lycensse he shall first obtayne liberty from the towne where he liues and present it to the county court, and then if the county court approue of the same they may grant a lycense to him.

It is allso farther ordered by the authority afoarsayd that whosoeuer shall receiue a lycensse or hold a lycensse, he shall giue a bond of ten pownds that he will to the utmost keep rule and good order according to law so long as he acts by his lycensse, and upon the forfeiture of his bond the one halfe shall be to the complayner and the other to the county treasury.

This Court by their vote confirmed the Councill according to the former order of the Generall Court, it to be continued till the Generall Court October next.

The return of the comitte whoe wer to runn or seek out the

noreast corner of Stonington bownds haue made a return of what they haue done, which the Court approue of and order that the sayd comitte finish there worke and run the north line of Stonington and the sowth line of Preston from station to station.

This Court orders that the brand of Preston for the future shall be the letter P, with a cross in this manner, ☩.

This Court orders that Col. Allyn shall take the care of the forte at Saybrook that it may be repayred upon the country charges, and that Mr Willard be continued in the forte, or some other body may be there placed as cheap as they can, not exceding twenty pownds.

Mr Anthony Chickly petitioning to haue some releife in a case wherein the Marshall did fayle in the perfecting his execution upon som lands of Tahan Grants, &c. but here being none of Tahan Grant his administrators to declare what they haue to say in the case, the Court refers it to next October Court to consider and issue the case, and order the administrators of Tahan Grant hau notice the[n] to appear at sayd Court.

This Court doe impower the administrators of the estate of Phillip Jud of Waterbury to confirme a deed which may pass ouer to the heirs of Captn Tho. Wells of Deerfeild, that land sayd Phillip Jud sold to the sayd Captn Wells.

Whereas this Court haue had a complaynt before them from Abimeleck, Joshuahs sonn, that he is interupted in his lands giuen him by his father Joshua in his last will and testament, this Court refer the issueing of this case to October next Generall Court and to aduice all concerned to forbear all forcible enteries upon the land claimed by Abimileck, or improuing the same, untill the Court shall haue taken farther order in the case October next, where Capt. Mason is desired to giue Owaneco notice thereof that so he may appeare.

In case Col. Allyn shall be disinabled for attending that he is appoynted to by this Court in meeting with Boston Gentn, then Mr Standly is to attend that seruice.*

* Col. John Allyn and Major James Fitch were appointed at this session to agree with the commissioners of Massachusetts at what place to begin the line dividing the two governments. Col. Boundaries, III, doc. 37, no. 20. The instructions to Col. Allyn and Major Fitch from the Governor and Council are in the same volume, doc. 11.

The Court is adjourned till the Gouernor see cause to call them agayne.

[The following act of this session is found in the Windsor and in the Stanly MSS.]

An addition to the law title Powder Money. It is to be understood and it is by the authority of this Court now enacted, that all vessells above eight tuns, except such as do wholly or the major part of them belong to this Colony, coming under the command of any of our forts in order to load or unliver, their respective masters before they break bulk shall make their entry in the office in that port and give a true account of the burthen of their vessell according to the rules prescribed, viz. the breadth from inside to inside, the depth from the under side of the beam to the ceiling, the length to be accoumpted no more then the length of the kelson and to divide by a hundred: and before they depart out of sayd port or harbor shall pay to the office or officer there for every tun they measure according to the rule above, shall pay half a pound of powder or one shilling in money. And every master of a vessell or vessells that shall presume to weigh anchor and pass by said fort without procuring a pass from said office to the gunner of said fort that he hath complied with this law to the said officer's satisfaction, the said gunner is hereby impowered and required to fire upon him, the first over their masts, and if they come not to anchor to fire a second athwart their forefoot, and if they come not to an anchor then to fire a third shot with endeavours to strike their masts and farther damage if they come not to, and the masters and mariners that shall occasion this charge and trouble shall pay to the gunner of said fort ten shillings for every shot, in cash, the one half to be to the gunner and the other to the use of the fort, and the vessell or vessells to be seized forthwith to answer their contemptuous behaviour and breach of this law; provided any vessell in distress by weather and for wooding and watering may come in to any of our harbours, giving the officer an account of his business and breaking no bulk nor staying above forty eight hours except wind and weather prevent, and pass free; and this law and act to stand in full force and virtue any other former law notwithstanding. And what money or powder is received upon this account by the collector is to be delivered to the Lieutenant of the fort, he giving his receipt for it, to buy powder or other ammunition for the fort, and the collector is to be allowed five per cent. for his trouble and twelve pence for every pass to the fort, to be paid by the master. And the vessells also belonging to this Colony are obliged to take out passes to the fort and deliver them to the gunner before they sail and to pay accordingly.

[From the Colony Record of Deeds, &c., II, 221.]

A Court of Election held at Hartford May 9th, 1695.

Whereas Mr. Richard Edwards attourney to Mr Simion Stodard of Boston recouered a judgment of court against Major James Fitch and execution being taken out Aprill 25, 95, but through the unseasonablenes of the weather in imoderate raine and the apprizers refusing the worke it could not be serued; these therefore are to request the Honord Court to grant liberty that the execution may pass upon the estate attached and allso that it shall be accounted as effectuall to all intents and purposes as if done within the time limited by the law. This Court upon the motion of the marshall with the consent of Major Fitch and upon his desire doe alowe and approue of the same.

This done in Generall Court May 14, 1695, as attests

John Allyn, Secry.

A Generall Court held at Hartford, October 10th, 1695.

Col. Robt Treat, Esqr, Govr.

Lnt Col. John Allyn,	Capt. Dan. Witherle,
Mr Andrew Leet,	Capt. Caleb Stanly,
Capt. James Fitch,	Major Mansfeild,
Mr Nath. Stanly,	Mr Nathan Gold.
Capt. John Mason,	

Deputies:

Capt. Jos. Wadsworth, Capt. Cip. Niccols, for Hartford.
Mr Henry Wolcot, Mr John Moore, for Windsor.
Mr James Treat, Mr John Chester, junr, for Wethersfeild.
Capt. John Standly, Capt. Tho. Heart, for Farmington.
Sarjt Sam. Wilcoxson, for Simsbury.
Mr Nath. Bur, Lnt James Benit, for Fayrefeild.
Capt. John Minor, Ln Israel Curtice, for Woodbury.
[263] Lnt Abram Dickerman, Mr John Allyn, for Newhauen.
John Gregory, for Norwalk.
Capt. Ben. Brewster, Lnt Leffingwell, for Norwich.
Daniel Weed, Dauid Waterbury, for Standford.
Mr Tho. Clark, Siluanus Baldwin, for Milford.
Abram Brunson, Ens. Peck, for Lyme.
Mr John Denison, Mr Nath. Cheesbrok, for Stonington.
Mr Rich. Blackleach, Mr Samll Hally, for Stratford.

Mr Alex. Pygon, Mr Andr. Leister, for New London.
Mr Nath. Lyne, Deac. Wm Parker, for Saybrooke.
Jos: Freeman, Tho. Rose, for Preston.
Dan[ll] Braynard, for Haddum.
Mr Josia. Roseter, Mr Tho. Mecox, for Guilford.
Capt. Eben. Johnson, for Derby.
Sam. Hale, for Glassenbury.
Capt. Tho. Yale, Deac. Jno Hall, for Wallingford.
Lnt Henry Crane, for Kenilworth.
Capt. Nath. White, Mr Wm Cheeny, for Midleton.
Mr Wm Maltby, Lnt Eben. Stint, for Branford.

[262] The Gouernor haueing giuen the Court an accot of what the Councill hath done in answer to sundry letters receiued from Col. Fletcher, and an answer to the Lnt Governors letters to ayd the upper townes, and Col. Pynchons letters for ayd and our sending 30 men for their releife and ten men continued for a short time after their return to secure them whilst they are gathering their corne, which this Court approues of and confirm.

Capt. Wm Whiting and Mr John Bowtcher haueing been imployed by Major James Fitch and Col. John Allyn makeing a return to this Court of what they did in searching out the lyne between the Massachusets Colony and Conecticut, this Court order their return (which this Court accepted of) to be recorded and the originall kept on file.

Mathew Allyn is confirmed Ensigne of Windsor traine band.

John Fitch is approued to be Lnt and Jonath. Crane Ensigne of Windham and they are to be comissioned accordingly.

Ebenezer Stent is nominated and approued and confirmed to be Captain, and Bartholome Goodrich to be Leiutenant, and Saml[ll] Pond to be Ensigne, of Brandford, and are to be commissionated accordingly.

[263] *A list of the persons and estates of the townes in this Colony are as followeth:*

Persons.	Estates.	Persons.	Estates.
285 Hartford,	17936 0 0	74 Lyme,	04282 0 0
216 New London,	10138 0 0	120 Guilford,	07529 0 0
112 Farmington,	07389 0 0	282 New Hauen,	15101 0 0
44 Glassenbury,	02025 0 0	218 Wethersfeild,	11468 0 0

Persons.	Estates.	Persons.	Estates.
104 Saybrook,	05416 0 0	062 Woodbury,	02767 0 0
53 Kenilworth,	02235 0 0	42 Derby,	01804 0 0
87 Haddum,	03223 0 0	102 Stoneington,	05387 0 0
157 Milford,	09646 0 0	95 Wallingford,	04227 0 0
90 Standford,	05304 0 0	74 Norwalk,	05393 0 0
35 Preston,	01807 0 0	300 Windsor,	15652 0 0
78 Greenwᶜʰ,	03536 0 0	192 Fayrefeild,	11493 0 0
067 Brandford,	03820 0 0	150 Stratford,	09368 0 0
120 Midleton,	05648 0 0	56 Simsbury,	02604 0 0
106 Norwich,	05660 0 0	Waterbury,	0

Tho. Judd senʳ is chosen and confirmed Lⁿᵗ of Waterbury train band and are to be comissioned accordingly.

Nathan Gold is chosen and confirmed Captain, and John Osborn [Lieutenant] of Fayrefeild traine band, and are to be commissionated accordingly.

This Court impowers Anna Meriman to make legall deeds of sale to Joseph Mallary for about twelue acres of land and to Wᵐ Roberts about 3 or 4 acres of land which they bought of her husband before his deceasse and receiued of him the pay or the most part of [it] for the same.

The return of Mʳ Leffingwell and John Post about the runing of Stoneington north bownds and Preston sowth bownds according to former order of Court, and the Court approues of the same and order it to be kept on file.

This Court upon the humble petition of Hepsibah Sad that this Court would appoynt som person or persons to set and to deliuer to her her full part of her sayd husbands estate which was granted to her by this Court May last, which this Court haueing considered doe order and appoynt the executors of John Sads estate, viz. John Wilson, Zachary Sandford, and Wᵐ Pitkin of Hartford, whoe haue the estate of John Sadd deceassed in their hands, to deliuer it.

The petition of Joseph Wright being considered by the Court and he haueing informed the Court that the former comittee viz. Lⁿᵗ Crane, Mʳ Josiah Rosseter, and Capt. John Chapman, had not finished the worke comitted to them by this Court October the 8ᵗ, 1685, this Court doe now therefore order and appoynt as soon as may be that the afoarsayd gentlemen of the committe doe meet together and to make a finall issue of their worke by fixing

the bownds of the farm appertaining to James Wright according to the originall grant, and allso to bownd out to him and all the rest concerned their lands *their lands* setled upon them, and that securety be taken for the payment of such debts as are due from the estate by those that are concerned to pay them according to order of Court.

This Court appoynt Mr John Bowcher and Mr John Chandler junr to lay out to Mr Nath. Stanly and Capt. Caleb Stanly their grants of land formerly granted to them by this Court according to their seuerall grants.

Whereas the people of Homonoscit, viz. John Megs, Joseph Hand senr, Obadiah Wilcoxson, Nath. Steuens, James Hill, Tho. Crittendon, Joseph Hand juner, John Megs, junr, Tho. Terran,* Nathan Bradley, Tho. Willard, Jonathan Murry, haue petitioned this Court that they may be so fauoured as to pay what rates shall be raysed upon them towards the mayntenance of the ministry to Kenilworth ministry and not to Guilford because of the remoatness of their dwellings from the worship of God, viz. fiue miles farther from Guilford then to Kenilworth, this Court grant their petition prouided they make up their accots and pay what is due from them to Guilford ministry for the time past, and this order to stand untill the sayd Homonoscit shall be capeable with the consent of Guilford to set up and mayntayn the worship of God amongst them, and they onely to pay to Kenillworth their just proportion to the ministry, all other dues they are still to pay to Guilford as formerly.

Mr Samll Mather is plntf. by way of appeall from the judgment of the Court of Assistants October 3, 95, Phillip Hosford, Samll Horsford, and Joseph Phelps son of Timothy [264] || Phelps defendants, which action was a complaint for improueing of some grass or hay that grew on land belonging to the church of Windsor as by the court act October last doth appear, which by execution was deliuered to Mr Henry Woolcot as administrator by the court appoynted and by him deliuered to the Reuerend Mr Mather according to the last will of Mrs Jane Hosford, to a surrender of the hay with cost of court.

* Torhann. Eccl. I, 167.

In this action the Court find for the plaintife the return of the hay and cost of courts. Ex. đđ March 2, 1695.

Mr Samll Mather is plntf. by way of appeale from the judgment of the Court of Assistants October 3d, 1695, Phillip Horsford defendant, which action was an action of the case for illegall entering upon and makeing improuement of land in Hoytes meadow to the damage of forty shilling and a surrendery of the barley. In this action the Court find for the plntf. cost of courts, the widdow to keep the barley. Cost in both actions was 11*l*. 18, 0, as p bill. The cost in these two actions the Court granted to the widow, which is 6*l*. Ex. đđ March 2, 95.

The widow Hepzibah Sad is plntf., the executors of John Sads last will and testament defendants, which action is an action of the case for neglecting or refuseing to deliuer unto her the sayd relict her just part or portion of her late husbands estate according to the Court order May last, it being one third part of the estate excepting what was excepted by the county court January 1, 169$\frac{4}{5}$, to a deliuery of sayd portion or estate with damage to the value of twenty pownds. In this action the Court find for the plaintife that the executors pay unto her according as the Generall Court in May last ordered, with cost of court.

This Court grants a rate for the defraying of country charges of a penny one the pownd in money or two pence in pay at the same price it was last yeare, to be raysed on all the rateable estate in the Colony.

This Court grants the Gouernors sallary to be for this yeare eighty pownds.

This Court grants the Dept Govr twenty pownd in pay or ten pownd in money.

This Court grants the salary for the Treasurer this year to be thirty pownd in pay or 15*l*. in money.

This Court grants the salary for the Secretary for this year to be 25 in pay or 12*l*. 10*s*. in money.

This Court appoynt Capt. Caleb Stanly to attend the place of a comissary for the souldiers that went up the riuer this last sumer.

This Court alowes those horses went upon the seruice up the riuer last three shillings p weeke.

Whereas Abimilech son of Joshua hath petitioned this Court for a just and peaceable setlement of his land upon him without delay &c, which this Court haueing considered doe find that the last will and testament of Joshua hath bin exhibited in the county court, proued and ordered to be recorded, and agayn approued by the Generall Court, which is such a confirmation of Joshuas right as this Court doe not see reason to ad to it at this time: and whereas Abimelech hath petitioned this Court to naturaliz him sayd Abimelech, for that he hath owned his Ma^ties^ gouerment and his subjection thereto, this Court doe therfore hereby declare the sayd Abimileck to be one of his Ma^ties^ of Great Brittanes subjects, and grant him the priuiledg and protection of his Ma^ties^ lawes this Colony alowes his subjects here, prouided he take the oath of alegiance; and if he be molested in any of his rights he may haue the benifit of the law to releiue himself as the rest of his Ma^ties^ subjects haue in this Colony.

M^r^ John Bowcher and M^r^ Leffingwell are to lay out to M^r^ Giles Hamlin and M^r^ Nath. Collins their grants of land according to their grants.

We whose names are underwritten being appoynted and ordered by the Generall Court to finish the runing of the north line of Stoncington and the south of Preston from station to station, we begining at the norwest corner of Stoningtons bownds runing neer est and east sowth east lyne untill we came up to the top of a mountain wher the line run throug a queach of younge stadles, from thence runing untill the lyne crost a cart path which is caled the ceder swamp path, and there we marked two trees with the markes faceing one against the other, the one a black oake and the other a white oake: thence runing to Preston fiue mile corner tree which is a black oake marked on two sides standing between two rocks, and from thence runing that poynt to a chesnut tree which stands by the side of a ceder swamp being neer the corner.

Thomas Leffinwell,
John Post.

This Court grant Debory Crow liberty and impower her to make a deed of sale for a parcell of land Nath. Crowe sold to

Thomas Warren to confirm the same to him and his heires for euer.

This Court confirmes the Councill according to the order of the Generall Court May 10th, 1694, and doe impower them to attend accordingly for the future.

This Court grants the charge of this court in Mr Mathers two actions to Mrs Phillip Thrall and remit it to her.

The towne of Lime plntf. and Samll Tincker defendnt. by way of appeale from the judgment of the Court of Assistants October 3, 1695, *Samll Tincker defendnt.* In this action the Court find for the plaintife cost of this court, allowed three pownd seuenteen shiling.

This Court appoynt Mr John Bowcher and Lnt Tho. Leffingwell to lay out to Captn Thomas Heart or the heirs of Mr Anthony Howkins and Deacon Steuen Heart their seuerall grants of land granted to them by this Court according to their grant. [265] This Court doth appoynt Mrs Mary Collins to make sale of some parcells of land that were by Mr Collins intended to pay a debt to Mr Modey, one parcell lyeing east from Wongom, the other sowth from Wongome, and the other lyeing ouer against the towne, this Court doth impower sayd Mrs Collins to make legall disspose of sayd land by sufficient conuayances according to law.

Isack Hall petitioning this Court that they would grant him liberty *a liberty* in tryeing his right and title in and to the lands in his petition mentioned, this Court sees no reason to grant his petition but leaue him to himselfe to take the best way he can to obtayn his just due.

This Court doth now appoynt the Treasurer to make up the seuerall accots with the constables in the respectiue townes of this Colony, for which he is to be allowed fifteen pownds in pay, and this Court doth hereby repeale the former order that alowes constables post wages for their coming up to Hartford to make up their accots with the Treasurer.

This Court doe order that no sorte of graine or flower shall be transported out of this Colony untill the twentyeth day of May next upon the forfeiture of all such graine or flower a[s] shall be shipt or fownd water borne, the one halfe to the complayner and the other to the publique treasury.

This Court doe order John Prents to be continued Capt[n] of New London forte till this Court shall order otherwise, any former order notwithstanding.

Upon the humble petition of Deacon W[m] Parker of Saybrook this Court haue considered the last will and testament of W[m] Parker, and wheras he hath entayled the lands of W[m] Parker to his male heirs, we find that he had giuen the one halfe of those houseing and lands entayled to his son W[m] Parker and put him in a peaceable possession of them before the entaylement of them, and allso sayd Deacon Parker made and past ouer to his brother Dauid a considerable parcell of land with a messuag or tenement standing thereon in leiw of the one halfe of the sayd messuage and tenement that is now entayled to the sayd heirs male of sayd W[m] Parker sen[r] deceassed: the Court hauing considered the premises doe see reason to order and conclude that the moyety of the mansion house and land adjoyneing is not nor ought not to be included in the forementioned entayle made by W[m] Parker sen[r], but that W[m] Parker jun[r] hath a reall right of inheritance in the moyety of the messuage and lands adjoyneing which be and belong to the sayd W[m] Parker his heirs and assignes for euer notwithstanding the sayd entaylement.

Whereas some of Haddum haue complayned of great damage they receiue for want of a fence on the east side the great riuer and that they canot obtayne it to be made, this Court doe therefore recommend it to the towne of Haddum, and especially to the townsmen of sayd towne, that they would take due care that the inhabitants doe make a suitable prouission and due care that such fences may be made there as may secure their feilds from damage.

This Court orders the Secretary shall certify the Gen[ll] Court of the Massachusets of our runing of the lyne and how we find it, and to desire the Court to joyne with us in a setlement thereof as soon as may be, and if they please according to this run to make a setlement of the line between this Colony and the Massachusets we shall be sattisfyed therewith.

Whereas diuers complaints haue been made of wrong done to trauelors and passengers by the seuerall ferrymen, this

Court doe therfore order for the future that each ferry shall haue as followeth, viz.

Hartford and Windzor feridg ouer Conecticut Riuer, for man, horss, and his load, nine pence pay or fiue pence money, single man three pence pay or two pence money, a single horss fiue pence pay or three pence money.

New London and Saybrook, for man, horss and his load, twelue pence pay or eight pence money, single man fower pence pay or three pence money, single horss eight pence pay or fiue pence money.

New Hauen, for horss and his load, six pence pay or three pence money, single man two pence pay or one penny money.

Stratford, for man and horss and his load, six pence pay or fower pence money, single man or single hors, three pence pay or two pence money.

Norwich, horss and man, fower pence money six pence pay.

Weathersfeild, for man, horss and his load, nine pence pay or six pence money, single man and single horss, fiue pence pay or three pence money.

Allwayes prouided this order doe not disanull former agreements made respecting seuerall townes, and each ferryman to attend hereunto upon penalty of fiue shillings for euery default.

The Court is adjourned untill the Gov^{r} or Deputy see cause to call them agayne.

[From the Windsor MS.]

HARTFORD, FEB^{RY} 11, 169$\frac{5}{6}$.

By the Governor and Council. Whereas we find that notwithstanding all former endeavours of authority to seize and secure such deserters as escape from his Majesty's ships of war and garrisons, yet the end is not attained to suppress such motions of such persons as do desert his Majesty's service, which is of a pernicious nature, prejudicial to his Majesty's interest, and of an evil consequence to ourselves, the consideration of which doth give us just reason to use utmost endeavors to prevent; and therefore the Governor and Council do hereby publish and proclaim to all the inhabitants of this Colony, that after the publication hereof all persons within this government are hereby in his Majesty's name required upon all occasions whensoever any deserters or such suspicious persons come into any town or place

within this Colony, or formerly have come and are to be found in any town or place within the same, all persons and the constables or civil officers are hereby required to seize them and them convey before one of the Assistants or Commissioners to be examined, secured and returned to the Governor of New York, or authority in Albany, or whereto they belong, and no person is to buy, purchase and barter, any arms of such persons but to secure them for his Majesty's service; and all officers, military and civil, are also hereby required in his Majesty's name to be aiding and assisting, and all other persons whatsoever are hereby required to attend unto this order and proclamation as they will answer the contrary at their utmost peril.

The Governor and Council do also order that all grain and flour that is shipt or water-born for transportation, although it be into some other port of this Colony, the master of the said vessell shall give in bond to the next Assistant or Commissioner that he will deliver and land it in the Colony, in the port it is shipped for, upon the penalty of the forfeiture of the bond.

Extracted out of the Council records,
p John Allyn, Secret^{ry}.

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[266] At a Gen^{rll} Court held at Hartford, May 14, 1696.

Those that are appointed to stand in nomination are:

Colon^{ll} Robert Treat, Esq^{r}, Will Jones, Esq^{r}, Major Gen^{rll} Jn^{o} Winthrop, Esq^{r}, Sam^{ll} Willis, Esq^{r}, Lieut. Colon^{ll} Allin, Esq^{r}, Capt. Andrew Leet, Esq^{r}, Major James Fitch, Esq^{r}, Capt. Sam^{ll} Mason, Esq^{r}, Capt. Dan^{ll} Witherlee, Esq^{r}, Nathan^{ll} Stanley, Esq^{r}, Capt. Caleb Stanley, Esq^{r}, Major Moses Mansfield, Esq^{r}, Capt. John Hamlin, Esq^{r}, Capt. Jonathan Sellick, Esq^{r}, Capt. Nathan Gold, Esq^{r}, M^{r} Tho. Trowbridg, M^{r} Hen^{r} Woolcutt, M^{r} Tho. Hooker, M^{r} Alex^{r} Brian, M^{r} Jn^{o} More, M^{r} John Hains, M^{r} Jn^{o} Chester, M^{r} Christophers, M^{r} Nathā Lines.

These were elected:

Rob^{t} Treat, Govern^{r},
Will Jones, Dep^{y} Gouern^{r}.

Assistants:

Major Gen^{rll} John Winthrop,
Lieut. Colon^{ll} John Allin,
Capt. Andrew Leet,
Majr James Fitch,
Capt. Sam^{ll} Mason,
Capt. Dan^{ll} Witherell,
Nathan^{ll} Stanley,
Capt. Caleb Stanley,
Maj^{r} Moses Mansfield,
Capt. John Hamlin,
Capt. Jonath. Sellick,
Capt. Nathā Gold.

Cap. Joseph Whiting, *Treasurer.*
Eleazr Kimberly, *Secretarie.*
Deputies are,

Capt. Cyprian Nickols, Mr Wiłł Pitkin, for Hartfrd.
Mr John More, Mr Dannll Heiden, for Windsor.
Mr James Treat, Mr John Chester, for Wethersfld.
Mr John Stanley, Mr Thomas Bull, for Farmington.
Liet Abraham Dickermā, Serjt James Eaton, for New Hauen.
John Whitles, Lieut John Clerk, for Saybrook.
Capt. Eleazr Stent, Mr Malbie, for Branfrd.
Tho. Tracey, for Preston.
Lieut Henr Crane, for Kellinworth.
Lieut Tho. Leppinwel; *abs.* Ens. Richd Bushnell, for Norwich.
Lieut Abrahā Brūson; *abs.* Mr Mathw Griswold,* for Lime.
Dannll Weed, Mr Waterbury, for Stanfrd.
Mr John Hobbey, Samll Peck, for Greenwich.
Capt. Yale, Eliasph Preston, for Wallingfrd.
Capt. White, Nathll Bidwel, for Midleton.
Samll Haise, for Norwalk.
Lieut. Tho. Jud, En. Tim. Stanley, Waterbury.
Mr Tho. Clerk, Mr Samll Newton, for Milfrd.
Mr Clemt Minor, Mr Samll Fosdick, for New Londō.
Mr Jno Wakemā, Mr Joseph Lockwood, for Fairfield.
Mr Josiah Rossiter, Mr John Eliot, for Gilfrd.
Mr John Gallop, for Stonington.
Mr Richrd Blackleech, Mr Ephrā Stiles, for Stratfrd.
Capt. Jno Minor, *absent;* Lieut Jno Curtis, for Woodbury.
Capt. Jno Chapmā, for Haddū.
Eleazar Kimberly, for Glassenbury.

Comissionrs chosen by the Genll Assembly.

Mr Henr Woolcutt, Mr John More, *swor.*, for Windsor.
Capt. John Chester, Lieut. James Treat, *sworn*, for Wethersfield.
Capt. Nathll White, *sworn*, Ensign Wiłł. Cheenie, Midleton.
Lieut Tho. Jud, *sworn*, for Waterbury.
Capt. Ben. Bruister, for Preston.
Mr Joshua Ripley, for Windhā.

* A line has been drawn through this name.

Mr Richrd Cristophers, for New Lond.

Mr Wilt Eelie, Mr Mathew Griswold, for Lyme.

Mr Nathll Lines, Mr Wilt Dudley, for Saybrook.

[267] || For Killingsworth, Lieut. Heneri Crane, *sworn*.

Capt. Eleazr Stent, for Branfrd.

Mr Thomas Clerk, for Milford.

Capt. Wilt Curtis, Mr Richrd Blackleech, *sworn*, Mr Joseph Curtis, for Stratfrd.

Capt. Mathew Sherwood, Mr John Wakeman, for Fairfield.

Capt. James Omstid, for Norwalk.

Lieut Jonathan Bell, for Stanford.

Mr John Reinolds, for Greenwitch.

Mr James Beebie, for Danbury.

Capt. John Minor, Lieut. Israel Curtis, for Woodbury.

Capt. Ebenezer Johnson, for Derby.

Capt. George Gates, for Haddum.

Mr John Moss chosen for Wallingfrd to administer oaths to town officers as need requires and joyn persons in marriage.

Upon the petition of the town of Danbury, this Court granted to them liberty to imbody themselves into church estate in an orderly way with the consent of neighbour churches.

Upon the petition of John Morris, Thomas Talmage, John Sacket, and Eleazr Morris, this Court confirmed a lease of lands made by Wiashanat alias George, Rum Tom, and Ombasco, to the said John Morris, Thomas Talmage, and John Sacket, of eighteen acres of land within the township of New-haven, on the east side of the harbour, which said lease beareth date Septembr the fourteenth one thousand six hundred ninetie five.

And also a deed of four acrs of land bearing date Janury the twenty fourth one thousand sixe hundred and ninetie five, from the sd George to the sd Eleazr Morris, was allowed and confirmed by this Court.

Upon the desire of Governr Fletcher manifested in his letter from New York bearing date Aprill the twentieth, one thousand six hundred ninetie six, that a quota of men be with all possible speed sent from this Colonie for the defence of Alba-

nie, this Court voted and granted to raise sixtie men in this Colonie to be sent with as much speed as conveniently may be for the defence of that place, to remain in that service till the last of Octob^{r} next. Also this Court made choice of Capt. Will^{t} Whiting to be Captain of the forces to be sent for the defence of Albanie, and Sam^{ll} Preston Lieuten^{t}.

At the same Court liberty was granted to M^{r} Gibbons to transport twentie five bush^{ll}s of grain to Boston for his familie supplie, besides oats.

Whereas the Gen^{rll} Court in Octob^{r} last did order that no grain or sort of flower should be transported out of this Colonie, untill the twentieth day of May next ensuing, and the Govern^{r} and Councill did order that for all grain and flower that is shipt or water born for transportation, although it be into some other port of this Colonie, the master of the vessel that shall transport it, before such transportation, shall give in bond to the next Assistant or Com̃issioner that he will land and deliver it in some port in this Colonie, according as by the said act bearing date Feb^{r} the eleventh one thousand sixe hundred and ninetie five it doth appear, this Court now orders that the said imbargo laid upon grain and flower, shall be continued till the twentieth day of June next ensuing, and that the master of the vessell as shall receive grain or flower aboard to be transported to some other port in this Colonie and shall give bond for the landing and deliverie of the same in such port according to the said act of the Govern^{r} and Councill, shall bring a certificate of the deliverie thereof according to his s^{d} bond from some magistrate or com̃issioner living next to the place where by his said bond he was inguaged to deliver the said corn or flower, to the magistrate or com̃issioner to whome the s^{d} bond was given and for want of such certificate his bond shall be forfeited, the bond to be taken to the vallue of the corn or flower that the obliger shall transport.

This Court did impower the Treasurer to borrow two hundred and sixtie pounds in money (upon as reasonable termes as he can,) in the name and for the use of this Colonie to discharge a debt due to the heirs of John Sad, for money borrowed of the said Sad's estate for the countreys service.

This Court made choice of Lieu^{t} Colon^{ll} John Allin, M^{r} John Elliot, M^{r} John Wakeman, M^{r} Will^{m} Pitkin, and M^{r} Sam^{ll} Fosdick, to be a comittee to consider and advise this Assembly in such pollitick and prudentiall affairs as doe concerne either the promoting good order and goverment, in making new laws or repealing or altering laws formerly made, or in such affairs as doe concern the publick weal in promoting and advancing of trade, as also to advise in all affairs that doe concern the souldierie designed to be sent to Albanie, as also to advise what return may be made to Colon^{ll} Pinchins letter concerning contest between Inficld and Windsor men.

Whereas M^{r} Sam^{ll} Collins did in his lifetime mortgage certain lands to Dan^{ll} Markham of Midletown, as appeared by a deed under the hand of the said Sam^{ll} Collins exhibited in court bearing date May the thirtie first one thousand six hundred and ninetie two, which deed being imperfect in law, this Court upon iust considerations doe impower M^{rs} Marie Collins widdow and relict of the s^{d} Sam^{ll} Collins (upon her request) to perfect the said conveyance and to confirm the s^{d} land to the s^{d} Markham according to the s^{d} deed.

This Court did also approve and confirm a conveyance of land made by Maudling Street of Wallingford to M^{r} Sam^{ll} Street of the same town bearing date Octob^{r} the tēth one thousand six hundred and nineti two.

This Court appointed the first Thirsday in June next to be kept as a publick day of fasting and prayer throughout this Colonie.

The inhabitants of Kellingsworth desiring this Court to explain the meaning of a former act of the Gen^{rll} Court Octob^{r} the tenth one thousand six hundred and ninetie five, wherein liberty was granted to the people inhabiting at the east end of [268] Gilford, || to attend the publick worship of God in the church of Kellinsworth, in reference to their proportion of paim^{t} to the maintenance of the ordinances of God in that church, this Court doth now declare the true intent and meaning thereof to be that the s^{d} inhabitants shall pay towards the maintenance of the ordinances in Kellinsworth for all their

rateable estate proportionable to the inhabitants of Kellinsworth.

Isaack Hall of Fairfield complains to this Court against Capt. Nathan Gold of the said town as judg and moderator and also clerk of the countie court in Fairfield, which court was held the first Tuesday in Novembr in the year &c. one thousand six hundred and ninetie-five, for that the sd Capt. Nathan Gold denied to him the sd Isaac Hall the entrie and triall of an action which he there brought before the sd court and comenced against Joseph Wheeler of the sd town of Fairfield, by which deniall of entrie the sd Isaac Hall saith he is damified to the vallue of thirtie pounds. This Court having considered this complaint doe find it to be causless and uniust, and that the plaintiff should pay to the defendt iust cost of court. Costs allowed at one pound fourteen shillings.

Whereas Joseph Phelps of Windsor deceased did inguage to a comitte for the inhabitants of the sd town living on the east side of the river (as appears by the testimonie of Job Drake and Thomas Stoughton members of the sd committee,) that the said inhabitants should have some part of his woodland on the south side of his lott lying by Thomas Stoughton his land, nine rod and a half in breadth, extending eastward from the countrey rode fortie rods, for the accomodation of Mr Timothie Edwards the minister of the place, this Court impowers the widdow of the sd Joseph Phelps to confirm the said land to the said inhabitants for the said use.

The souldiers at Windsor having chosen Timothie Phelps to be their Captain, Mathew Allin to be their Lieut, Benjamin Newbury to be their Ensign, this Court approveth their said choice and doe order that the sd officers shall recieve their comissions according to their severall respective offices to which they are chosen by ye sd souldiers.

Joseph Migate atturney for Quannopue plaintiff by way of appeal from the iudgmt of the Court of Assistants held at Hartfrd May the eleventh one thousand six hundred and nine tie six, contr Samll Haise defendt., in an action of the case for the said Haise illegal deteining from the sd Quanepue who is heir in law to Cherrie two acrs and a half of land whereby he

is damified as he saith to the vallue of thirtie pounds, in which action the jury find for the defend^{t} cost of courts; from this judgm^{t} this plaintiff brings his appeal. In this action this Court find for the defend^{t} cost of courts. Cost allowed at five pound nineteen shillings and six pence.

At this Court the inhabitants of Greenwich petitioned for a settlment of the bounds between the said town of Greenwich and the town of Stanford according to an antient pretended agreem^{t} between the inhabitants of each town. This Court considering that the bounds between the said towns have been formerly setled by act of the Gen^{rll} Assembly, doe avoid all further debate and consideration of that matter, and doe confirm the former settlm^{t} of the s^{d} bounds by the Generall Assembly in the year one thousand six hundred and seventie three. *Petion paid.*

At this Court Joseph Rogers petitioned that an issue of a controversie between him and his brother Jonathan concerning a farm at New London awarded by some gentlemen arbitrat^{rs} of the said controversie might be reversed or that a fair and iust triall of that controversie may be yet admitted, the plea pretended by the petitioner is, that the s^{d} award was grounded upon evidences false and forged. This Court having considered the petition of the s^{d} Joseph Rogers doe grant that the said petitioner shall have a fair and iust triall in law of the cause mentioned *in law of the cause mentioned* in his s^{d} petition at the Gen^{rll} Court in Octob^{r} next, the arbitriment and issue of the s^{d} cause in the s^{d} petition mentioned notwithstanding, the s^{d} petitioner giving to the persons in the said cause concerned timely notice thereof.—6*s. cash paid for the petition.*

At this Court these were chosen Auditors of the countrey accounts, viz. Capt. Ciprian Nickols, Ens. John Chester, Capt. Dan^{ll} Witherel, M^{r} Joseph Curtis, M^{r} Alexander Brian.

At this Court the Kings Atturney, Joseph Migate, entred complaint against Joseph North for wittingly concealing such souldiers as had deserted the Kings garrison at Albanie. This Court voted the said North not guiltie in law of the matter of fact charged upon him.—The Govern^{r}, Colon^{ll} John

Allin and Capt. Caleb Stanley, declared their dissent from this vote.

John Bushnell appeals to this Court from the iudgment of the Court of Assistants May the eleventh one thousand sixe hundred and ninetie six, by which iudgmt the said Court did award to the said John Bushnell fiftie pound to be paid to him out of the estate of his uncle Samll Bushnell deceased, by the administratrs of his sd uncles estate, and not more. This Court confirmed the said judgment of the said Court of Assistants.

[269] This Court doth hereby declare, that in their answer to the petition of Isaac Hall Octobr lst, it was not their intent to outlaw him, but in the case which he brought to the Court of Assistants, and did not proceed to an issue but bound himselfe to abide by the issue of the arbitratrs, in that case the Court gave him no incouragment to proceed but left him to himself therein: this Court doe now see cause to take off any thing that might be a sufficient barre to prevent his further prosecution in that case he petitions for, except it be the bonds given in by him, which we doe no way inuallidate.

Lieut. James Averie and Mr Crery, inhabitants on the east side of New London River, moved this Court in behalf of the people there inhabiting to grant the sd people liberty to imbody themselues into church estate in order to their comfortable enioyment of the ordinances of God. This Court having considered the matter doe referr it to the Genrll Court in Octobr next and doe advise the sd inhabitants to treat with their neighbours the inhabitants of the town of New London in the mean time and to indeavoure their concurrance with them in their design.

At this Court Mr James Steel is plaintiff by way of appeal from the iudgmt of the Court of Assistants May the eleventh one thousand six hundred and ninetie six, in an action of the case depending between the sd James Steel and Samll Stockin; which action the sd Steel comenced against the said Stockin for that the said Stockin doth neglect or refuse to pay the sd Steel in the right of his wife Bethia Steel deceased her annuity

due by the will of her former husband Sam[ll] Stockin, with cost and damages to the vallue of fortie pounds. In this action this Court find for the defend[t] costs of courts.

Vpon the information of Capt. Robert Wells of Wethersfield, that the souldiers of the town of Wethersfield had chosen Thomas Wells of the same town to be their Ensign, this Court confirmed their choice.

At this Court Capt. Robert Wells, Ensign John Chester, M[r] Nathan[ll] Foot, and John Stodder, in the behalf of the town of Wethersfield petitioned for a streight ruñing of the line between the said town and the town of Hartford and for a settling thereof according to their town pattent, and this Court having considered their petition voted and concluded that the said petitioners not having given timely notice to the inhabitants of the town of Hartford of their design of petitioning at this Court their petition ought not to be further considered at this time, but doe referre further consideration of it to the Gen[rll] Court in October next. 5*s. cash paid for the petition.*

M[r] Rich[rd] Edwards as atturney for Isaac Curtis of Wallingford petitioned this Court to grant the said Curtis execution upon a verdict of jury given at the countie court at Newhaven the second Munday in Novemb[r] one thousand six hundred and ninetie five in an action depending in the said court between the s[d] Curtis and M[r] John Hull of the said town of Wallingford, which action the said Curtis comenced against the said Hull for that the said Hull had illegally entred upon and made improvement of three ac[rs] and 3 quarters of meddow in a place called Dogs Miserie which is the proper estate of the plaintiff, to a surrendrie of the s[d] meddow with ten pound damages and cost of court, in which case the jury find for the plaintiff the case and cost of court. This Court doe see reason and order that there shall be execution granted upon the said verdict of the iurie. 5*s. paid for the petition. Execution delivered to Isaac Curtis.*

At this Court the Gouern[r] and any four of the Assistants with the Secretarie were chosen to be the Councill of this Colonie to continue in that trust till Octob[r] next ensuing, and it was ordered that the power of this Councill should be the

same as in the year one thousand six hundred and ninetie fiue.

Ordered and declared by this Court that the former law about fenceviewers in the printed laws title Fenceviewers be repealed and made void, and that the fenceuiewers oath be accomodated to the laws made for fenceviewers which remain still in force.

The form of the fence viewers oath ordered and established by this Court, viz:

Whereas you A. B. are chosen fenceviewer for the year ensuing for the town of H. you doe swear by the name of the everliving God that you will with all faithfullness execute the office and place of a fence viewer according to the express lawes of this Colonie that now are in force, according to the best of your skill &c. So help you God.

Whereas by a former law book-debts were outlawed at the end of three years from the time when such debts were first made, this Court now orders that for the future no book-debts shall be outlawed till the end of seven years after the said debts were first contracted, excepting onely book-debts charged upon persons that are deceased, which shall be outlawed at the end of three years from the time they are pretended to be contracted, unless the credit^{r} shall give oath that such debts as he chargeth upon the estate of the deceased remain yet wholy unpaid.

Ordered by this Court that the law made concerning apprizall of estate seized by execution, May the ninth, 1695, be repealed, the repealing the s^{d} law not to be published till Octob^{r} next.

Ordered and enacted by this Court that from and after the [270] first of May next || ensuing this instant no wheat that is raised in this Colonie shall be transported out of it except what is converted into flower, and if any wheat not converted into flower be shipt aboard any vessell in any part of this Colonie the wheat shall be forfeited.

Ordered and enacted by this Court that a greater valluation be putt upon money, and that pieces of eight weighing seventeen pennieweight passe for six shillings and nine pence, and pieces of a differing weight to be vallued accordingly in propor-

tion to their weight, eight peñie bitts to pass for nine pence, double such bitts to passe for eighteen pence.

Ordered by this Court that when any man dieth intestate leaving an estate, his widdow if any be (shall have besides the third part of his reall estate during her life) a part also of his personall estate equall to his eldest child, provided it exceed not a third part of y^e^ s^d^ personall estate, which said part of her husbands personall estate shall be her own forever.

Ordered by this Court that all forreigners that come into any part of this Colonie bringing goods with them to trade shall, before the sale of any goods by them brought, give a true envoice of all their s^d^ goods brought, with the valluation of them at their selling price, to some magistrate or comissioner living next to the place where their goods shall be first brought or landed, and also pay two p^r^ cent. to the publick treasurie of this Colonie for all goods by them brought or landed for trade as aforesaid, which two p^r^ cent. is to be delivered to the magistrate or comissioner to whome the s^d^ envoice is given, and for want of such envoice and paim^t^ of two p^r^ cent. or either of them, the goods of the s^d^ forreigner shall be forfeited, a third part whereof shall be to the informer and the rest to the countrie treasurie.

Ordered by this Court that if any person be sumoned to answer in any civill action in any court in this Colonie and shall not appear to answer according to the sumons, and there be legal evidence that the sumons was duely served upon him, notwithstanding the said non appearance the action shall goe forward to a iudgm^t^ and execution thereupon.

Upon the motion of divers of the inhabitants of Windsor living on the east side of the great river, this Court granted to the said inhabitants free liberty in an orderly way with the consent of neighbour churches to imbody themselves into church estate and to proceed to the ordination of their minister, having first obteined the free consent of the church of Windsor.

Whereas the Gen^rll^ Court Octob^r^ the eighth one thousand six hundred and seventie four did grant to M^r^ Thomas Hanford two hundred ac^rs^ of land and appointed M^r^ Banks and

Capt. Curtice to lay out the s^{d} grant, the s^{d} Banks being dead, this Court doth order and appoint Sam^{ll} Haise and Deacon John Plott to lay out the said two hundred ac^{rs} of land according to the said grant.

This Court granteth liberty to M^{r} Jonas Clerk to transport twentie bushells of corn out of this Colonie, and Mathew Jones, twentie bushells, Capt. Caleb Stanley, ten bushells, Capt. John Hamlin, ten bushells, M^{r} Morey, fifteen bushells, the treasurer Capt. Joseph Whiting, twentie bushels, Lieut. Clerk, twentie bushells, M^{r} Watson, ten bushells.

At this Court Capt. Jonathan Sellick was chosen Serjeant Maior of Fairfield Countie and to be comissionated accordingly.

Whereas John Johnson had a grant of fiftie ac^{rs} of land at a Gen^{rll} Court Octob^{r} the twelfth 1671, this Court doth appoint Solomon Tracey and Ensign Bushnell to lay out the said land to the said John Johnson according to his grant, provided he take it up where it may not be preiudiciall to a former grant.

This Court approved of the copie of a comission drawn by Lieu^{t} Colon^{ll} Allin for Capt. Will^{m} Whiting who is appointed to be Capt. of the company designed for Albanie, and order that the comission for the lieuten^{t} of the company be drawn correspond^{t} to it.

Liberty was granted by this Court to M^{rs} Davee to transport twentie bush^{lls} of corn out of this Colonie, and M^{r} Fosdick, ten bush^{lls}.

Major Jonathan Sellick took the Serj^{t} Maiors oath before this Court, May 22, 1696.

Capt. Nathan^{ll} White informing this Court that the souldiers of Midletown had chosen Serj^{t} John Hall to be Ensign of their company, this Court confirmed their choice.

This Court granted that Edward Nash of Norwalk being aged and infirm should not be listed for his person in the countrey list.

This Court granted a rate of a half pennie upon the pound to be levied upon all the rateable estate in this Colonie to defray a debt due from the countrey to the heirs of the estate of John Sad.

[271] At this Court Mr Edward Bromfield and Mr Francis Burrows plaintiff contr Daniel Shilton defendt by way of appeal from the judgmt of the Court of Assistants May 11th, 1696, in an action depending between them the sd Edward Bromfield and Francis Burrows plaintiff, and the sd Danll Shilton, which action the said plaintiff comenced against the sd defendt at the countie court held at Hartfrd Aprll 6, 169$\frac{5}{6}$, and prosecuted to a judgmt in the said court by their atturney, Mr Nathll Foot, and the sd court awarded to the plaintiffs one hundred and fiftie six poūds thirteen shillings and ten pence in currant silver and cost of court; from this judgmt this defendt appealed to the Court of Assistants holden at Hartford May the 11th, 1696, the Court of Assistants by their iudgmt award this defendt to pay to the sd plaintiff one hundred and fortie one pound thirteen shillings and ten pence in money, and cost of courts, out of which sume must be deducted what was paid to the plaintiff by Mr Richard Edwards upon this defendts account. From this judgmt of the Court of Assistants the defendt now brings his appeal. This Court now find for this plaintiff one hundred and fiftie six pounds thirteen shillings and ten pence siluer money, and costs of courts. But whereas this defendt pretends that he returned part of the goods charged upon him by this plaintiff to the uallue of 13*l.* 9*s.* and that the plaintiff hath not given creditt for all that this defendt hath paid, as certein horses and money paid by Mr Richard Edwards to the plaintiff upon the defendts account, this Court orders that execution upon the estate of the defendt at present shall be limited to one hundred and sixteen pounds thirteen shillings and ten pence, and execution not to be granted for the remainder till the last of October next; and if this defendt can make it to appear at the Generall Court in Octobr next that he is overcharged by the plaintiff, so much as he is overcharged by the plaintiff is to be abated. Cost of courts allowed at five pounds four shillings and six pence. *Execution delivered to Nathanll Foot atturney.*

This Court granted that the Records of this Colonie should be secured for the service of the countrey according to the

advice of the Govern^{r} and Councill, and for the present to be in the house of Colon^{ll} Allin for that end if the Colon^{ll} please.

At this Court John Gallop as attorney for Benjamin Palmer plaintiff cont^{r} Major James Fitch defend^{t} in an action of appeal from the judgm^{t} of the Court of Assistants, May 11th, 1696, by which iudgm^{t} this plaintiff was awarded to pay to this defend^{t} twelve pounds and cost of courts. The plaintiff in this action personally appearing openly declared in court that he did withdraw his action.

This Court voted and concluded for incouragm^{t} of the souldiers that are to be sent to Albanie that if the Kings pay fall short of the accustomed pay of this Colonie, what is wanting thereof shall be made up to them out of the countrey treasurie.

Also that the souldiers that are to be sent to Albanie shall be levied out of the severall plantations of this Colonie as proportionably as may be.

At this Court John Gallop as atturney for Benjamin Palmer plaintiff cont^{r} Major James Fitch defend^{t} in an action of appeal from the iudgm^{t} of the Court of Assistants May 11th, 1696, by which iudgment the plaintiff was awarded to pay to this defend^{t} sixteen bush^{ll}s of barley and cost of court. The plaintiff in this action personally appeared in court and declared that he did withdraw his action of appeal.

This Court approved of the copie of a letter drawn to be sent to Govern^{r} Fletcher: also the copie of an answer to Colon^{ll} Pinchins letter was read and approved of in Court.

A copie of a tract of land taken up by Sam^{ll} Buell upon his grant.

May 15th, 1693. A tract of land measured out for Sam^{ll} Buell sen^{r} of Killinworth about three quarters of a mile south from Snipsick and south of Hockanum River, from north to south it is in length about eight score rod, with a small brook ruñing through the length of it, and in breadth about one hundred rod, and on the south west corner a small spruce swamp, on the west side there runs a streight line bounded by trees, on the east side of it its bounded by the foot of the hills. This parcell of land lies of the east side of the great river about ten miles east from Windsor. This parcell of land lies

for one hundred acrs more or lesse. This parcell of land was laid out by us,

Samuel Grant, senr,
Samuel Rockwel, junr.

At a meeting of the Governr and Councill in Hartford, May 30th, 1696.

Members of the Councill:
Colonll Robt Treat Govrnr,
Lieut Colonll Jno Allin,
Mr Nathanll Stanley,
Captn Caleb Stanley,
Captn Jno Hamlin,
Majr Moses Mansfield,
Eleazar Kimberly, Secry.

His Majesties Proclamation for the apprehending persons accused of High Treason, dated Feb. 1695, was read in Councill, also his Majetics Proclamation for a day of publick Thanksgiving upon the discovery of a conspiracie to assassinate his Majeties sacred person, dated March $169\frac{5}{6}$.

The Governr and Councill doe order that the third Wednesday of June next be kept a day of publick Thanksgiving throughout this Colonie to blesse God for the deliverance of his Majeties sacred person and his kingdome from that horrid conspiracie.

An order for the day of Thanksgiving was read and approved in Councill: also a copie of a letter to be sent to Governour Fletcher was read and approved in Councill.

Ordered in Councill that his Majeties proclamation for the apprehending of persons accused of high treason should be publickly read in the severall counties according to his Majeties order, which was executed accordingly without delay.

At a meeting of the Governr and Councill in Hartford, Aug. 7th, 1696.

Members of the Councill:
Colonll Robt Treat, Govrnr,
Lieut Colonll John Allin,
Nathanll Stanley, Esq.,
Captn Caleb Stanley,
Captn Jno Hamlin,
Majr Moses Mansfield,
Eleazar Kimberly, Secretry.

By order of the Governr and Councill there was this day published an Act of Parliament for Preventing Frauds and Regulating Abuses in the Plantation Trade, sent by the Lords of the Councill to the Governr.

Ordered by the Governr and Councill that the Treasurer should borrow fifteen pounds in money for the service of the countrey, to supply the captn and souldiers designed for Albanye, and deliver it to the captain, Mr Will Whiting.

Whereas we are informed by Colonll Fletcher of an enemy that is upon the march to invade Albanie, and are called upon for aid and assistance by his excellencye said Colonll Fletcher, and the Genrll Court having at their last sessions appointed that sixtie men with a captain

and lieu^{t} should march up forthwith to Albanie for the defence of Albany and the repelling any enemy that may come to assault them; therefore it is ordered by the Governour and Councill that forthwith there be warrants sent forth by the Secretary to the severall constables in the plantations in the counties of Hartford, Newhaven and Fairfield, that they doe forthwith impresse so many souldiers as the Governour and Councill have appointed in each town, with armes compleat, well fixed and fitt for service, each souldier to have half a pound of powder and two pound of bulletts, to be ready to march upon the first call from the Governour; and they are also to impresse for every man a horse so farre as Kenterhook, with saddles and bridles fitt for service, and snapsacks and biskett and cheese for their march to Albanie.

By reason of some advice from the right hon^{ble} the Lords of his Majesties most hon^{ble} Councill that the French are making preparations by shipping and otherwise for an attempt on some parts of America, which they have notified to us by an expresse to the end we may putt our selves and all things in the best posture of defence that may be, the Governour and Councill doe order the Secretary forthwith to write to the field officers in each countie of this Colonie, who with the advice of the assistants or magistrates in their countie, are forthwith to meet and consider the best way they can to putt themselues and y^{e} plantations in a posture of defence, and that they may be ready to assist each other as there may be occasion; and to that end that they doe take care that every train souldier be compleat in their armes well fixed and fitted for service with amunition according to lawe. And the Governour and Councill doe recomend it to them to appoint that the one halfe of the trainbands under their respective comands be by them nominated and appointed to be ready upon any allarm to march forth for the defence of his Majesties good subiects assalted, with armes and amunition according to lawe.

Ordered by the Governour and Councill that a credentiall letter be drawn and signed by the Treasurer for Capt. Will. Whiting to take up upon the countreys acc^{t} what he shall have occasion for in order to the necessary supply of himselfe and the souldiers that shall march with him to Albanie, during the time y^{t} he shall be with them in his Majc^{ties} service for the defence of Albanie and in his going and returning.

A letter drawn to send to Colon^{ll} Fletcher was read and approved in Councill: also a comission for Capt^{n} Will. Whiting, capt^{n} of the souldiers bound for Albanie, and a comission for Sam^{ll} Preston, lieu^{t} for the same expedition, were both read and approved of in Councill, and also a copie of instructions for the captain to direct him in the trust comitted to him.

A packett being recieved from White-Hall wherein were conteined severall expresses from the right hon^{rble} the Lords of the Councill, was read in Councill; first, one bearing date Aprill the fifteenth, 1696, in the eighth year of his Maje^{ties} reign, wherein the right hon^{ble} the Lords of he Councill did in his Majesties name require and comand the Govern^{r} and magistrates of this Colonie duely to publish and putt in execution an Act in the then present sessions of the Parliament for

the preventing Frauds and regulating Abuses in the Plantation Trade, and all other lawes made for the incouragem^t of Navigation and secureing the Plantation Trade to his Maje^ties kingdome of England, a copie of which Act was recieved from the said Hon^ble Lords and read in Councill and by order of the Govern^r and Councill forthwith published in Hartford, this instant, and ordered to be published in the severall counties: Also an expresse bearing date Aprill the 20^th^, 1696, wherein the right hon^ble the Lords of the Councill did notifie to the Governour and magistrates of this Colonie that the French intended an invasion upon his Majesties subiects in America, to the end that necessary orders might be given to putt all things in a posture of defence, for which order was given by the Govern^r and Councill as is before recited: Also an expresse bearing date Aprill the 21^st^, 1696, with a copie of a Bill of Association proper to be entred into and assigned accordingly within this goverm^t was read in Councill.*

Also a letter sent from Govern^r Fletcher, dated August y^e^ 2^d^, 1696, with the copies of two other letters sent from Albanie to the s^d^ Govern^r were read in Councill, informing that the French made sharp warre upon the friend Indians and intended to invade Albanie, &c., with desire of aid, which was ordered as aforesaid.

Ordered by the Governour and Councill that if any of the souldiers imprest for Albanie stand in need of a supply of clothing for that service, the Treasurer shall supply such souldier or souldiers upon the countrey's account, provided that he doe not expend above twentie shillings upon one souldier for that use upon their marching out.

At a meeting of the Govern^r^ and Councill in Hartford, Septemb^r^, 2^d^, 1696.

Members of the Councill:
Colon^ll^ Rob^t^ Treat, Gover^nr^,
Lieut. Colon^ll^ Jn^o^ Allin,
Capt^n^ Sam^ll^ Mason,
M^r^ Nathan^ll^ Stanley,
Maj^r^ Moses Mansfield,
Capt^n^ Caleb Stanley,
Capt^n^ Jn^o^ Hamlin,
Eleazar Kimberly, *Secret^y^.*

A letter from Govern^r^ Fletcher bearing date Aug. 24, 1696, wherein he informes that he hath fresh intelligence that Count Frontinec hath expresse order from the French king to attack Albanie &c., and desires that sixtie men be sent to Albanie to strengthen that place some time, was read in Councill.

A coppie of a letter drawn to send to Colon^ll^ Fletcher was read and approved in Councill.

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* The packet came through Gov. Fletcher, the letters mentioned as contained in it are in Foreign Correspondence, I, 51, 52, 54; the Association for revenging his death in case the King should come to a violent or untimely end, and for maintaining and defending the succession of the crown according to the Act I, W. & M. 36, was signed by all the members of the Council present Sept. 2, and by the General Assembly at the next October session. The original is in Civil Officers, I, 63.

At a Genrll Court held at Hartford, Octobr 8th, 1696.

Colonell Robert Treat, Governr,

Assistants:

Lieut Colonll Allin,
Mr Andr. Leet,
Majr James Fitch,
Capt. Samll Mason,
Capt. Danll Witherell,
Mr Nathll Stanley,
Capt. Caleb Stanley,
Majr Moses Mansfield,
Capt. John Hamlin,
Major Jonathan Sellick,
Capt. Nathan Gold.

[272] *Deputies:*

For Hartford, Captn Cyprian Nickols, Mr Williā Pidkin.
For Windzor, Mr Henr Woolcutt, Mr John More.
For New Londn, Mr Samll Fosdick, Mr Andrew Lester.
For Newhavē, Serjt James Eaton, Serjt John Allin.
For Saybrook, Mr Nathll Lind, Lieut John Clerk.
For Midletow', Mr Wilt Cheenie, Ens. John Hall.
For Stoningtn, Mr Joseph Minor, Mr Ezekiel Main.
For Stratfrd, Ensign James Judson, Mr Jno Booth.
For Branfrd, Capt. Eleazr Stent, Mr William Malbie.
For Haddū, Mr Danll Brainard.
For Norwich, Captn Benjn Bruister, Ensign Richrd Bushnell.
For Milfrd, Mr Thomas Clerk, Lieut Samll Newton.
For Wethersfld, Lieut James Treat, Ensign Jno Chester.
For Gilford, Mr Josiah Rossiter, Lieut. Steph. Bradley.
For Lyme, Mr Joseph Peck.
For Derbye, Ensign Samll Riggs.
For Killinworth, Mr Samll Buell.
For Farmington, Capt. John Stanley, Capt. Tho. Hart.
For Glassenbury, Serjt Samll Hale.
For Symsbury, Samll Wilcockson, Peter Buell.
For Waterbury, Lieut. Tho. Jud, Deacon Tho. Jud.
For Wallingfrd, Mr Eliasaph Preston, Mr John Hall.
For Stanford, Ensn John Bates, Serjt David Waterbury.
For Fairfield, Mr John Wakemā.
For Norwalk, Andrew Messenger.
For Woodbury, Mr Izrael Curtis.

Persons nominated for Election:

Colł Robt Treat Esqr, Wilł Jones Esqr, Major Genrll Winthrop Esqr, Samll Willis Esqr, Lieut. Colonell Allin Esqr, Captn Andrew Leet Esqr, Majr James Fitch Esqr, Captn Samll Mason Esqr, Captn Danll Witherell Esqur, Nathanll Stanley Esqur, Captn Caleb Stanley Esqr, Majr Moses Mansfield Esqr, Captn John Hamlin Esqr, Majr Jonathan Sellick Esqr, Captn Nathan Gold Esqr, Mr Thomas Hooker, Mr John Chester, Mr Wilł Pidkin, Mr Joseph Curtis, Mr Henr Woolcutt, Mr Richrd Cristophers, Mr John More, Mr Thomas Trowbridg, Mr John Hains.

It was voted and granted by this Court that twentie four of the freemen of this corporation should stand in nomination in order to the election of Assistants in May next, who are to be chosen out of the twentie four that shall be nominated.

[273] *List of persons and estates.*

	Persons.	*Estates. lls.*		*Persons.*	*Estates. lls.*
Hartford,	285	17435	Saybrook,	112	05675
Norwich,	110	05117	Stonington,	086	04912
Farmingtn,	115	07218	Stratford,	140	09229
Windzor,	300	15827	Haddum,	088	03102
Branfrd,	069	03852	Fairfield,	170	11186
Preston,	042	02193	Newhaven,	290	15525
Killinworth,	045	02404	Waterbury,	040	01562
Glassenbry,	050	02579	Stanford,	090	05307
Darby,	042	01696	Greenwich,	070	03334
Newlondon,	220	10660	Wallingfrd,	075	04298
Gilford,	125	07611	Wethersf.,	213	10919
Midletow',	125	05865	Norwalk,	076	05827
Lime,	099	04655	Milford,	160	10012
Simsbury,	070	02975	Woodbury,	063	02970
		93858			90087

Totll, 183945*ll.*

Acts and Laws passed at this Genrll Assembly.

This Court granteth a sallery of ten pounds in currant money of this Colonie to each of the Assistants of this Colonie to defray all their charges in mannaging of the Colonie affairs for the year ensuing, and such of the Assistants as shall neglect to attend any of the four stated Superiour Courts shall abate for each court that he shall neglect to attend according

to the following proportions, that is to say, for neglect of attendance at the Court of Assistants fourtie shillings, and for neglect of attendance at the Genrll Court three pounds. Always provided and it is to be understood that the expences of the whole Genrll Assembly upon the Election-day shall be at the charge of the countrey, and what fees any are according to law to pay upon appeals from the Countie Court to the Court of Assistants shall be paid to the Assistants that keep the said court.

This Court grants a rate of two pence upon the pound in money to be levied upon all the rateable estate in this Colonie, this sume including the half pennie rate granted by this Court in May last; and if any persons have not money, they have liberty to pay their rates in good and merchantable grain, beeff or pork at the prizes following, viz. indian corn at two shillings pr bushll, pease at three shillings pr bushll, ric at two shillings six pence pr bushll, winter wheat at four shilling pr bushll, pork at fiftie shillings pr barell, beeff at thirtie shillings pr barrell, both well repackt, which shall answer their rate in lieu of money. And al money debts that this Colonie oweth are to be paid in money, and what debts are due to be paid by this Colonie in pay, two thirds in money, or in grain or provision abovementioned as it is before vallued, shall satisfie the whole of such debts.

For the incouragemt of bringing in and keeping of money in this Colonie, it was ordered by this Court in May last that all pieces of eight of seventeen pennie weight should passe for sixe shillings and nine pence, and pieces of a different weight to be vallued proportionably according to their weight, bitts at nine pence, double bitts at eighteen pence; for explication of, and addition to the said act, it is ordered and declared by this Court and the authority thereof, that the true intent and meaning of the said act is that the said pieces of eight and lesser money therein so vallued are to be Mexico, Civill, or pillar money. And it is also ordered by this Court that good Peru pieces of eight shall passe for five shillings p piece, and lesser pieces of Peru proportionably. Always provided that what money debts were contracted before the publication of the said

order made in May last are to be paid in money according to the former valluation before the said act was published, the said act notwithstanding, and what aggreem^{ts} or contracts for money have been made by any p^{r}ticular persons since the publication of the s^{d} order made in May last are to stand good and to be fulfilled according to the true intent and meaning of such aggreem^{ts} and contracts.

As an addition to the law title Fence Viewers, requiring that two fence viewers be chosen annually in every town in this Colonie, it is ordered by this Court that it shall be lawfull for every town by their discretion to choose two fence-viewers or more, according as the necessity of their town shall require.

To prevent and suppresse the disorder of souldiers in not coming into the field in their armes compleat and well fixt upon the days of trayning, it is ordered by this Court and the authority thereof, that if any souldier that is called according to law into the field to exercise in the use of his armes and military discipline, or otherwise for the Kings service, shall come into the field not having his armes compleat and well fixt he shall for every such default be fined two shillings.

Whereas this Court May the 9th, 1695, did order that no estates seized by execution should be sold at an outcry except such estates as are seized for rates or fines, but that estate seized by execution should be delivered to the credit^{rs} upon apprizall according to the law title Executions, and according to the former oath apprizer[s] were sworn to vallue such [274] estate according to || the present worth of it in coñon account; now to the intent that creditors may come by their just dues, it is ordered by this Court and the authority thereof, that for the future all persons appointed to prize such estate seized by execution shall be under oath to apprize the same as neer as they can judg according to the true and iust vallue and worth thereof to the credit^{r} in the specie inguaged to him.

Acts and laws passed in this Court for incouragem^{t} of persons to list themselues in the Troop in y^{e} countie of Hartford, and for the regulating of the said troop.

Impr. It is ordered by this Court and the authority thereof that the said troop shall consist of sixtie four troopers, and

that there shall be paid out of the publick treasurie five shillings and eight pence p^{r} annū to each trooper and to every of their officers.

It. That every trooper shall passe ferrie free both for himself and his horse over all the ferics in this Colonie when on publick service or on trooping days.

It. That no troopers shall be compelled to serve but under their own officers, and y^{t} no troopers horse or furniture shall be imprest from him.

It. That each trooper shall be allowed for his horse sixe pence p^{r} day more then other souldiers when on the countreys service.

It. That every trooper shall be allowed one horse free from the list of estates.

It. That each trooper that is listed shall keep a horse for the seruice allowed and approved by the officers of the troop, with suitable arms as carbine and pistols and other accoutrem^{ts}.

It. That all damages susteined by any trooper, either in losse of horse or armes or necessary furniture, in the countrey service, shall be made good to them out of the publick treasurie as to other souldiers imployed in that service.

It. That amunition shall be allowed to them as well as to other souldiers.

It. That any person legally warned to troop and not appearing shall pay a fine of five shillings for each day he is defective, to be paid to the clerk for the use of the troop within fourteen dayes, and upon neglect to be distreyned by the clerk at the charges of the delinquent.

It. That each person defective in armes shall be finable according to law.

It. That the number of days for trooping in every year shall be four days, and that every trooper shall be ready to attend the King's service when orderly called.

It. That for the better regulating of the troop, the officers shall have liberty to make such orders as may conduce to the right managem^{t} thereof, provided they are not contrary to the laws of this Colonie.

The Reverent Mr Abraham Pierson petitioned this Court that he might be exempted from paiment of rates for his stock and land, this Court granted his petition and ordered that his stock and land should not be listed in ye countrey list.

This Court granted that a rate should be made and so much money levied as would answer two hundred pounds currant in England, to be converted into currant money there by exchange or otherwise for the supply of our agent.

This Court grants the Governr for his sallery for this year eighty pounds in money as it was vallued the last year; to the Deputy Governr for his sallery for this year twentie pounds in money; to the Treasurer for his sallery twentie pound in money; to the Secretary twelve pounds and ten shilling in money; to Colonll Allin ten pounds for his service the year past, in money.

A letter from Hatfield dated Octobr ye 7th, 1696, directed to Colonll Allin and subscribed by the Reuert Mr Stodder, Capt. Patrick and the Revert Mr Williams, declaring their distressed condition by reason of mischief done among them by Indians and their great and continuall fear of more mischief from their barbarous enemies, with an earnest desire that this Genll Assembly would grant them a speedy supply of fortie or fiftie men for their defence: the Court having seriously considered the matter and compassionating the condition of their distressed friends and neighbours, and also apprehending that his Majesties interest and the security of his subjects was deeply concerned, and that there was necessity of speedy relief, did order that forthwith fortie men, two of them officers, be forthwith levied in the towns of Hartford, Windzor and Wethersfield, and well fitted and furnished with arms and amunition, and also for each man a horse to be provided with furniture fitt for travail, to march with all possible speed up to Dearfield, there to imploy themselves in the best manner they can for the defence and security of his Majeties subjects in those quarters and for the discovery and destroying of any enemies that shall invade them. Lieut. Stephen Hollister was chosen to be chief comander of the souldiers that are to march

out upon the aforesaid expedition, and comissionated accordingly.

At this Court Mr Cyprian Nickols was chosen in behalf of the countrey to dispose of such lands for the use and benefitt of the countrey that have been seized by distresse for the paimt of rates.

A letter drawn by Colonll Allin and Majr Jonathan Sellick, by appointment of the Court, was read in Court and approved, to be sent to Colonll Fletcher without any substantiall alteration.

Also a copie of a letter drawn by Majr James Fitch and Captn John Hamlin was read in Court and ordered that the contents be sent to the govermt of Massachusets without any substantiall alteration.

Samll Peck of Greenwitch being chosen Lieunt of the train band in the said town of Greenwich, this Court approves of and confirmes him in that trust, and orders that he be comissionated accordingly.

This Court made a choice of Colonll Allin, Majr Fitch and Majr Sellick to revise ye law made in May last concerning the [275] valluation of money, and to consider || what additions or emendations are requisite for the perfecting the said law, and to advise the Court therein.

Mary Ford of Newhaven moved this Court to grant her liberty and power to give legall confirmation of a certain parcell of land in Newhaven to Lieut Abraham Dickerman sold to ye said Dickerman by her husband Mathew Ford in his life time but not confirmed to him according to law. This Court having considered the matter doe grant to her liberty and power to confirme the said land to the said Dickerman, according to the bargain made between her said husband and the said Dickerman in his life time.

This Court voted and concluded that the Councill shall till the Genll Assembly in May next consist of the same members as were appointed in May last, and if it shall happen that a sufficient number of the Assistants in the said act mentioned cannot convene, it shall be in the power of the Governour to make up the full number that the Councill ought according

to law to consist of, out of the deputies in Hartford, Windzor or Wethersfield; the power of the Councill to be the same as in the year 1694.

Vpon complaint of the Deputies that their sallerie was not sufficient, it was voted and granted by this Court that the deputies sallerie for their attendance at this Court should be adiudged to be a money debt and to be paid as other money debts due from this Colonie.

Lieut. Colon[ll] Allin, Capt. Dan[ll] Witherell, and Capt. John Hamlin were chosen by the Court to draw up an addresse to be sent from this corporation to his Majestie, and also a letter to be sent to our agent in England: An addresse and also a letter were accordingly drawn by them and read and approved of in Court.*

This Court in consideration of the wonderfull goodnesse of God appearing in his providence towards his people in this Colonie in preserving health in our habitations, and protecting from the malice of our enemies in so great a measure, and affording a comfortable supply of the fruits of the earth, in discovering and delivering his Majestie and kingdome from a horrid and barbarous conspiracie, did appoint the fift day of Novemb[r] next to be kept a day of publick and solemn Thanksgiving throughout this Colonie. An order for the observation of the day was read and approved of in Court.

Jonathan Gennings and Peter Crosse of the town of Windham, administrat[rs] to the estate of Robert Wade of the said town, informed this Court that the said Robert Wade died much in debt, and that his familie was in want, and that there was a necessity of selling some of the lands of the said Robert Wade for paiment of his debts and for relief of his familie, and moved this Court to give them power so to doe. This Court having considered the matter doe give full power to the said administrat[rs], with the consent of Lieut. John Fitch and Ensign Jonathan Crane overseers to the estate of the said Robert Wade, to make sale of the lands of the said Robert Wade,

* No copy of the Address is found on file; a copy of the letter to agent Winthrop is in Foreign Correspondence, II, 61.

so farre as need shall require for the paim^t of his debts and the necessary supply of his familie as aforesaid.

Vpon the motion of the souldiers of the town of Danbury, Mr. James Beebe is by this Court approved and confirmed to be Lieuteñant of the train band in the said town of Danbury, M^r Thomas Tailer to be their Ensign, and to be comissionated accordingly.

M^rs Elizabeth Eyre of Newhaven, widdow, petitioned this Court to grant to her liberty and power to make sale of a parcell of land about eight miles distant from the said town of Newhaven in a tract of land called the third division, which parcell of land descended to her by gift from her granmother, M^rs Allerton deceased. This Court having considered the petition of the said M^rs Eyre and her pleas therein recited, doe grant her request, and doe hereby grant her free liberty and full power to make sale of the aforesaid land, and doe order that a conveyance thereof under her hand shall be effectuall to all intents and purposes to confirme the said land and every part thereof to any person or persons whatsoever, to his or their heirs that shall purchase the said land of her.

Voted and concluded by this Court that a comittee be chosen to revise all the laws of this Colonie, and to consider what alterations, additions and emendations are necessary to render the laws of this corporation more effectuall to maintain and uphold righteousnesse, and to promote the weal and prosperity of his Maje^ties good subjects here. Colon^ll Jn^o Allin, Maj^r James Fitch, and the Secretary, are chosen and appointed by this Court for that service.

The select-men of the town of Midletown plaintiff cont^r Nathan^ll Bacon defend^t, in an action of the case by way of appeal from the iudgm^t of the Court of Assistants the first of this instant, which action was brought to the s^d Court of Assistants by way of appeal from the iudgm^t of the Countie Court held in Hartford Septemb^r y^e 3^d, 1696, which action is thus entred in the records of the said countie court: Nathan^ll Bacon plaintiff cont^r Izrahiah Whitmore, Thomas Ward, and John Clerk, as select-men of the town of Midletown, defend^t, in an

action of the case for removing or causing a removall of the fence belonging to the long meddow, boggy meddow, and new field, from the place of its first settlment aggreed on, whereby the said Bacon hath suffered great damage by having his estate seized and uniustly taken away from him, for refusing to erect fence imposed on him in the new devised place, and his land rendred uncapable of improvement, being left out of the common field where it lay formerly within fence, to a return of his estate seized and to a reducing of the said field and fence into the former state according to the first settlement, with reparation of damage susteined to the sume of ten pounds; in which action the jury at the Court of Assistants find for the said Nathan[ll] Bacon then defend[t] cost of court, the Court accepting the verdict, the plaintiff appeals to this Court. This Court having considered the case with the pleas and evidences on both parts, do find for the plaintiff the continuance of the fence and the highway in the place where they are now stated and the cost of this court. Cost allowed at five pounds eight shillings, more for Secretaries fees three shillings cash. The charges of the defend[t] in former trialls at the Countie Court and the Court of Assistants allowed to him at one pound sixteen shillings. 30 *shillings in cash paid for the appeal.*

There being occasion for sending money to Boston to be converted by exchange into money in England or otherwise disposed for the supply of our agent, and also for sending of letters of publick concern for England, this Court doth comitt the trust and charge of conveying those letters and the money to the order of the hon[rd] Assistants residing in Hartford.

The select men of the town of Wethersfield plaintiff cont[r] M[r] Joshua Robbins defend[t], by way of appeal from the judgm[t] of the Court of Assistants held in Hartford the first of this instant, in an action of the case comenced by the plaintiff and [276] prosecuted at the || Countie Court held at Hartford in Septemb[r] last against this defend[t] for his uniust encompassing and fencing in and forcibly deteining a certein parcell of land in Wethersfield, being comon or town land lying and being at the rear or west end of a teer of lotts laid out at or near Rocky Hill, called South Field, or the rear of the lotts aforesaid, to a

surrendrie of said land with such damage as the said court shall award: this action by appeal from the judgmt of the Countie Court proceeded to the Court of Assistants held at Hartford as aforesaid, in which action the said Court of Assistants find for the defendt the land in controversie and costs of courts; from this judgmt this plaintiff now appeals. This Court having considered the pleas of plaintiff and defendt in this case doe find for the plaintiff the surrendrie of the land in controversie and costs of courts. Costs allowed at ten pound seven shillings.

Samuel Ingham of Saybrook being unsatisfied with the settlement of the estate of his uncle Samll Bushnell at a speciall court held at the said town of Saybrook according to a pretended will, pretending that he is thereby debarred from his iust right in the estate of his said vncle, his vncle dying without issue and the said Samll Ingham being his sisters sonne, desiring this honrd Court to passe a iudgmt upon the said pretended will and the settlmt of the estate of his said vncle by the said court, whether the said will and settlemt be legall. This Court considering that the settlmt of the said estate according to the said will hath formerly had some countenance by the act of the Genrll Assembly in May last doe not see cause to give any further hearing to his complaint at this time but rest in the former settlment.

Whereas there is an appeal entred in the records of the Court of Assistants by Mr Williā Brewster against Abimelech, which this Court finding that the mannaging of it in a course of law is not so eligible nor like to be so advantageous as some other way may be, therefore this Court moved the plaintiff and defendt to labour a peaceable issue; and it was by plaintiff and defendant aggreed (with the satisfaction of this Court) to indeavour an accoñodation by the help and advice of Mr John Hamlin, Mr Wilł Pidkin and Captn William Whiting, who are therefore desired and appointed by this Court as soon as they can to meet at Norwich or Lebanon, where they shall think most convenient, and the persons concerned are by this Court ordered to give them a meeting there and to lay open what they have to say in the case between them depending before

the said forenamed gentlmen, who are desired by this Court to use their utmost indeavour to settle a good and righteous agreement between the said Mr Brewster and Abimelech, or Owaneco and Abimeleck, in whose right it is that Mr Brewster claims certain lands chalenged by Abimelech; which if they cannot obtein they are then desired by this Court to consider and examine the case or matter of controversie between the said parties, in all the circumstances of it, and after serious and deliberate consideration to deliver in their iudgmts concerning the same to this Court in May next, in order to their approbation for a finall issue of the said controversie, where both parties are by this Court ordered again to appear. And in case the said desired issue should fail, then the said plaintiff may prosecute his appeal in this Court in May next to a judgmt. And it is ordered by this Court that in the mean time there shall be no further impropriating or improving of any lands in Lebanon aforesaid beyond what is already impropriated and improved. And if there be any other matter of difference or controversie between Owaneeco and the said Abimelech this Court desires ye sd gentlmen to consider the same and make report thereof to them at their next accustomed sessions. The said forenamed gentlmen are also desired and appointed by ys Court to hear and to compose any differences that may be depending between the town of Norwich or any person therein and the said Owaneco, concerning any interest of land or trespasse pretended to be done by the said town of Norwich or any of the inhabitants thereof to ye said Owaneco or to any of his people, and to make return of what they shall find or effect in or concerning the premises to this Court in May next.

This Court granted to our Hon^rd Govern^r Colon^ll Robert Treat three hundred acrs of land where it may be taken up without any preiudice to any particular township or former grant.*

Nathan^ll Foot, as atturney for Capt. James Omstid of Norwalk and Sam^ll Newell of Farmington, plaintiff, contr Sam^ll

* Laid out "towards the eastern bounds of the said colony, at a place commonly called Asponock," and patented in 1708, Col. Rec. of Deeds, &c. II, 403.

Lothrop defendt, by way of appeal from the judgmt of the Court of Assistants held on the first of this instant in Hartford, which judgmt of the said Court of Assistants was grounded upon an appeal from the judgmt of the Countie Court at New London held June ye 2d, 1696, which judgmt of the said countie court in the records of the said court is this entred, viz. in this action the jury find for the plaintiffs as administratrs appointed by the honrd Court of Assistants of the estate of John Omstid late of Norwich deceased, all the reall estate of the said Omstid as it stands upon record in the inventory of his estate and cost of court: from this judgmt this defendt appealed to the Court of Assistants, the jury at the Court of Assistants find for the plaintiff the land in controversie and costs of courts, costs allowed at 3*l*. 2*s*. 9*d*. this verdict being accepted the defendant appeals to this Court. In this action this Court find for the defendt costs of court. Cost allowed at sixteen shillings.

Lieut Thomas Leffinwell of Norwich and Serjt John Frink [277] of Stonington || moved this Court that they with the rest of the English volunteers in the former warrs might have a plantation granted to them. This Court grants them a tract of land six miles square for a plantation, to be taken up out of some of the conquered land, provided it doth not preiudice any former grant of this Court to any plantation or a grant to any persons; and when the aforesaid persons have pitched on a place that it be bounded by persons appointed by this Court, and that the settlmt of it be regulated by persons appointed by them also.

This Court grants to Serjt John Frink of Stonington two hundred acrs of land for some service he hath done and loss susteined in the service of this Colonie, provided he take it up where it may not be preiudiciall to any former grant to any particular person or plantation.

Captn Danll Witherell and Captn John Hamlin are appointed by this Court to audit a remainder of account depending between Mr Edward Bromfield and Mr Francis Burrows of Boston plaintiffs, and Mr Danll Shilton defendt, which remainder of acctS was referred from the Genrll Court in May last to be

adiusted at this present Court: the remainder of accounts to be adiusted amounteth to fortie pounds as appears by the judgmt of this Court in May last.

Whereas in the case depending between Mr Edward Bromfield and Mr Francis Burrows both of Boston, and Mr Danll Shilton, this Court in May last did order that execution should be suspended for a part of the debt which by the iudgment of this Court was then found to be due from the said Mr Danll Shilton to the said Bromfield and Burrows, untill this present Court, there being some receits lately found of certain goods shipped by the sd Danll Shilton and consigned to the sd Edwrd Bromfield and Francis Burrows, for which goods it doth not appear that the said Bromfield and Burrows have (by all that can be concluded from their accounts) given the said Shilton creditt, therefore this Court doth now order that further execution shall not passe upon the estate of the said Danll Shilton (upon the account of the iudgmt recovered against him at this Court in May last by the said Bromfield and Burrows untill after the Genll Assembly in May next ensuing, that so the said Danll Shilton may have opportunity to adiust his accts with said Edward Bromfield and Francis Burrows.

Joseph Rogers petitioned this Court that an issue of a controversie between him and his brother Jonathan concerning a farm at Newlondon awarded by some gentlemen arbitratrs of the said controversie might be reversed or that a fair and iust triall of the said controversie in law may be admitted, pleading the said issue to be grounded on false and forged testimonie: this Court did then order that the said Joseph Rogers should have a fair and iust triall in law of the said controversie at this time, the said arbitriment notwithstanding, giving the persons concerned timely notice thereof. This Court considering that the said Joseph Rogers hath not given to the persons concerned notice of his intent by an orderly sumons according to law, doe referre this matter to a further hearing in May next, and doe grant that the said Joseph Rogers shall have a fair and iust triall of his cause at the next Genll Assembly in May aforesaid, he sumoning the said persons concerned according to law then to appear and answer his complaint;

and Capt^{n} Sam^{ll} Mason, M^{r} Sam^{ll} Chester, M^{r} Nehemiah Smith are desired in the mean time to goe on to the lands belonging to the familie of the Rogers's in Newlondon in the gen^{ll} neck, and to indevour a right understanding of the differences between the relations concerning their properties there and to adiust them according to their best skill, and to make return of what they find in May next to this Court.

This Court granted and ordered that Lieu^{t} Jn^{o} Clerk of Saybrook should recieve out of the publick treasurie of this Colonie twentie nobles in money for his good service in taking care of the fort at Saybrook and the concernes thereof for the two last years past.

At this Court John Kelcey, Will Barber, Will Stephens, Robert Lane, and Peter Farnam, moved this Court in behalfe of some propriet^{rs} in the town of Killinworth that a sluice and cart bridge might be built upon the river called the Hamock River, at the charge of such persons as might be benefitted thereby. This Court having considered that notice hath not been given to all persons concerned, doe referre the matter to further consideration at the Gen^{ll} Court in May next, due notice thereof being given in the mean time to all persons concerned.

Lieu^{t} Mathew Allin being unsatisfied with the settlem^{t} of the estate of his father Capt^{n} Thomas Allin deceased, by the countie court and Court of Assistants, made his application to this Court for relieff, the persons concerned, viz: Thomas and Samuel sons of the said Capt. Thomas Allin, pleading that they had not timely notice of the intent of their brother Mathew, the matter was referred, and it was granted by this Court that the said Lieu^{t} Allin should have a fair hearing of his complaint in May next, giving to the persons concerned seasonable notice. Notice was given according to law to M^{r} Thomas Allin and to M^{r} Sam^{ll} Allin in the presence of the Court.

[278] The relict of M^{r} John Leet of Gilford deceased hath free liberty and full power granted to her by this Court to confirme certain parcells of land according to law to divers persons in the said town of Gilford by granting and signing

formall conveyances of the same; the said parcells of land being sold to the said persons by the said Mr John Leet in his life time, that is to say, one parcell of land to John Collins, iunr, also one parcell to Wilt Stone, and one parcell to Benaiah Stone; and this Court doth declare that deeds of the said parcells of land to all and every the grantees before mentioned, vnder the hand of the said relict, shall be lookt upon and adiudged to be legall and effectuall conveyances of all and every the said parcells of land to all and every the said grantees, to all intents and purposes in the law to hold the same firme to them and their heirs forever.

Majr James Fitch is by this Court confirmed Serjt Majr of the countie of Newlondon to which trust he was formerly appointed and comissionated by the Governr and Councill.

This Court orders (that by reason of the danger that the towns in this countie of Hartford may be exposed to in this time of warre by a generll muster) that there shall be no genll muster or trayning in this countie during ye present year.

This Court grants the one halfe of the countrey rate that shall be levied in Midletown this year to the inhabitants of the said town to be levied and expended forthwith for the promoting and further carrying on the work of building ye bridge over their ferrye river.

This Court grants power to Abigail Baldin of Gilford, widdow, the relict of Samll Baldin deceased, by deed to confirme certain lands to John Bishop of the said town, that the said Samll Baldin sold and exchanged to and with the said Jno Bishop in his life time; and conveyances signed by her shall be effectuall to all intents and purposes in the law to confirme the said lands and all of them to the said John Bishop his heirs and assignes forever.

This Court impowers Lieut. Colonll Allin with the rest of the Assistants resident in Hartford to call home the souldiers that are sent into the countie of Newhamshire when they shall see reason so to doe.

At a meeting of the Govern^{R} and Councill in Hartford, Novemb^{R} the 9th, 1696.*

Members of the Councill:
Colon^{ll} Rob. Treat, Govern^{r},
Nathan^{ll} Stanley Esq^{r},
Capt^{n} Caleb Stanley,
Capt^{n} Jn^{o} Hamlin,
M^{r} Hen^{r} Woolcutt,
Lieu^{t} James Treat,
Capt^{n} Cyprian Niccols,
M^{r} Jn^{o} More,
Ensign Jn^{o} Chester,
M^{r} Will. Pidkin,
Eleaz^{r} Kimberly, Secret^{r}y.

A letter from Colon^{ll} Benja^{n} Fletcher bearing date No. 2^{d}, 1696, was read in Councill, wherein Govern^{r} Fletcher desired the Councill to send him 25 or 30 men to be divided among the three companies upon the frontiers and to continue there till the first of May next, Colon^{ll} Fletcher inguaging to allow them for their service five pound a man levie money and the Kings pay and a groat a day which is added by the Assembly of the Province.

The Councill apprehending themselves obliged by the royall mandate to comply with the motion of Colon^{ll} Fletcher voted and granted that twentie five men should be forthwith prest and sent to Albanie or York to attend the Kings service there till the first of May next for y^{e} defence of that place. Jonathan Colefax was chosen by the Councill to be Serjeant of the company to lead the twentie five men to Albanye.

Ordered by the Councill that a horse should be prest for every two men to convey them to Albany.

Voted in Councill and ordered that Books of Records of the countrey and writing that are of publick concernment should be taken in and kept at the house of M^{r} Nathan^{ll} Stanley till further order.

A letter drawn to be sent to Colon^{ll} Benjamin Fletcher was read and approved in Councill.

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* One occasion for the meeting of members of the Council at this time was to attend the funeral of Col. John Allyn. This "gentleman of principal trust and dependence" departed this life on Friday the sixth day of November, 1696, "about eleven o'clock at night, without any long precedent sickness, his death being as is thought occasioned by a cold seizing upon his breast," writes Secretary Kimberly to Fitz John Winthrop.

Mr. Allyn was nominated for the magistracy in 1661, elected the next year, and thereafter during his life,—was one of those named in the Charter,—was chosen Secretary in 1663, and every subsequent year until 1696,—was often a Commissioner of the United Colonies,—in the time of Sir Edmund Andros, was a member of the council, and judge of the court of common pleas in Hartford county. He held also several minor offices, as clerk of the courts, town-clerk, and clerk of the first ecclesiastical society in Hartford. During the latter portion of his life probably no individual in Connecticut possessed greater influence in the public affairs of the Colony than he.

Col. Allyn married first, Nov. 19, 1651, Ann, daughter of Henry Smith, of Springfield, granddaughter of William Pynchon,—by her he had six daughters, five of whom were living at their father's death. One of them was the second wife of Joseph Whiting, the Treasurer; another was the wife of William Whiting, Marshal of the Colony. Col. Allyn's second wife was Hannah, widow of Samuel Welles, of Wethersfield, and daughter of Capt. George Lamberton, of New Haven. She survived her husband. Col. Allyn left a handsome estate, but no will. His monument is still standing in the old burying ground in Hartford.

At a meeting of the Govern^{R} and Councill in Hartford, Decemb^{R} 11th, 1696.

Members of the Council:
Colon^{ll} Rob. Treat, Govern^{r},
Nathan^{ll} Stanley Esq^{r},
Capt^{n} Caleb Stanley,
Capt^{n} Cyprian Nickols,
M^{r} Will. Pitkin,
M^{r} Hen^{r} Woolcutt,
M^{r} Jn° More,
Lieu^{t} James Treat,
Ensign Jn° Chester,
and y^{e} Secretary.

Voted and ordered in Councill that a letter be sent to our agent giving him an account of what we have sent for his supply, also what low condition the providence of God hath brought us into by the death of the Hon^{ble} Colon^{ll} Allin, also a brief account of our charges to Albanie for the defence of that place, and an account of the last expedition.*

Voated that Captain Caleb Stanley be added to Maj^{r} James Fitch and the Secretary for revising the lawes, also that the Honrd Deputy Govern^{r} be consulted withall and that his help be desired, what shall be adviseable and beneficiall in the revising the lawes, further that he obtein all the help and advice he can in order to the perfecting the worke, and comunicate it to the gentl^{m} aforesaid.

Voted that there be allowed for the horses that went through to Albany Novemb^{r} last twelve shillings in cash p^{r} horse, also for the horses that went to Wiantonock in August last, when Capt^{n} Whiting went thither, five shillings p^{r} horse in cash for their hire thither.

Inasmuch as his Excellency Govern^{r} Fletcher delivered to Lieu^{t} Agar Tomlinson 25^{lls} cash for the defraying of charges in conducting the souldiers to Albany in the last expedition the Govern^{r} and Councill order that the remainder of the money, which is eight or nine pounds, be equally divided between Lieu^{t} Tomlinson and Serj^{t} Jonathan Colefax. Further granted to Serj^{t} Jonathan Colefax for his journey to Albany and pains together with his horse hire, 3^{lls} 5^{s} in cash out of the countrey rate.

At a meeting of the Govern^{R} and Councill held at Hartford, Jan. 19th, 1696.

Members of the Councill:
Colon^{ll} Rob. Treat, Govern^{r},
Nathan^{ll} Stanley Esq.,
Capt^{n} Caleb Stanley,
Maj^{r} Jonathā Sellick,
Capt^{n} Nathan Gold,

A letter from Newyork by order from Govern^{r} Fletcher, bearing date Decemb^{r} 30th, 1696, signifiing his fears of the approach of the enemy and desire of further aid in case of an actuall invasion was read in Councill.

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* They refer to Col. Fletcher's pressing importunity for aid from the Colony upon every flying report, and the small account he seems to make of the assistance which has from time to time been afforded him, as evidenced among other ways by the printed Journal of his expedition to Albany, Sept., 1696. Since 1688, the Colony of Connecticut had expended for the assistance of the neighboring colonies £7759, 14, 9, whereof £5806, 11, were for Albany in particular. Foreign Correspondence II, 60. War, III, 10.

Lieu^t^ James Treat,
Ensign Jn° Chester,
M^r^ Will. Pitkin,
Eleaz^r^ Kimberly, *Secret^r^y.*

Thomas Merritt and Deliverance Brown in behalf of the town of Rie petitioned this Councill that a charter might be granted to them for their lands by this corporation. Also Zechariah Roberts in behalfe of the town of Bedford petitioned this Councill, that the said town might have a pattent for their land from this corporation, and that they might be under the protection and goverment of this corporation.

A letter drawn to be sent to Newyork was read and approved of in Councill.

Voted and ordered in Councill that a letter be sent to our agent in England, to signifie to him that we meet with trouble concerning the bounds of our Colonie both from the Province of the Massachusetts Bay and from Newyorke, and to desire him to improve his interest for the defence of our just rights according to charter against any that shall uniustly complain against us, and that we may enioy peaceably all the lands comprehended in our charter without molestation on the east from the Province of the Massachusetts, and on the west according to the aggreement between the comissioners appointed by his Majestie, and comissioners appointed by the Colonie of Connecticutt, bearing date Novemb^r^ y^e^ 30^th^, 1664, (a copie whereof should be sent to his honour) at least so farre as may be for the security of those townships as have been granted by this Colonie: and if his honour should return to this land that he would constitute some agent for us to defend our interest, according to our charter and the aggreement aforesaid. The Assistants residing in Hartford, with the Secretary, are appointed by the Councill to draw the letter, and to send it to his hon^r^ in y^e^ name of the Govern^r^ and Councill.

Thomas Merrick and Deliverance Brown in behalfe of the plantation of Rie, and Zechariah Roberts in behalfe of the plantation of Bedford, petitioning this Councill that the plantations of Bedford and Rie might be owned as included within the charter of this Colonie, and enioy the protection and goverm^t^ of the lawes of this corporation, the Councill considering that the said plantations are included within the charter granted by his royall Majestie Charles the second to this corporation, and also further confirmed to this territory by the settlem^t^ of the dividing line between this Colonie and the Province of Newyork by the solemn act of comissioners for that end comissionated under the broad seal of England by his said Majestie, and assented to by comissioners appointed by this corporation, which settlment bears date Novemb^r^ the 30^th^, 1664, and was approved and rattified by his said Majestie as appears by his Majesties letters bearing date Aprill the 10^th^, 1666, and since the said settlement whereby the said dividing line was stated and this territory so farre extended westward as to include the said plantations no act doth appear whereby the said plantations might be alienated from this territory and become part or parcell of the neighbouring Province, and the inhabitants of the said plantations claiming their right to and interest in the goverm^t^ priviledges and protection of this corporation, and being willing to submitt there-

unto: the Councill doe therefore see cause and judge themselves obliged to own the said plantations to belong to this territory, and to recieve the inhabitants thereof under their goverm^{t}, and doe hereby order that pattents shall be granted them for their respective townships,* and that they shall enioy all priviledges in comon with other his Majesties subiects in this corporation, acknowledging themselves obliged to submitt to his Majesties wise and just determination in this matter appearing in our charter and the settlement of the comissioners aforesaid.

Capt^{n} Will. Whiting was chosen and appointed by the Councill to ruñe a line due north from the place where he took his last observation in Windzor bounds neer the house of Jn^{o} Bissell deceased, and to ruñe the said due north line four miles and to sett up a marke at the four miles end, and from the north end of the said four miles to run east and west, and to sett up marks and to take such assistance with him as he shall iudge needfull for the work. And the Councill ordered that he should be paid for his pains and charge therein out of the countrey treasurie.

Voted that the Treasurer should be allowed ten pounds in money for his travail from town to town to make up accounts with the constables of the respective townes throughout this Colonie.

Maj^{r} Jonathan Sellick is desired and appointed by the Councill to administer the constables oath to such persons as shall be chosen to the office of constable in the towns of Rie and Bedford.

At a meeting of the Governour and Councill in Hartford, March the 6, 169$\frac{8}{9}$.

Members of the Councill:
Colon^{ll} Rob. Treat, Gover^{nr},
Maj^{r} James Fitch,
Nathan^{ll} Stanley Esq^{r},
Capt^{n} Caleb Stanley,
Capt^{n} Jn^{o} Hamlin,
Lieu^{t} James Treat,
Capt^{n} Cyprian Nickols,
Ensign Jn^{o} Chester,
M^{r} Will. Pitkin,
Eleazar Kimberly, Secret^{r}y.

A letter dated Feb^{r} 18th, 169$\frac{8}{9}$, sent to our Honrd Govern^{r} by the reverent elders in the Massachusett Bay, viz: the Reverend Increase Mather, James Allin, Sam^{ll} Torrey, Sam^{ll} Willard, Cotton Mather, and Benja^{n} Wadsworth, was read in Councill, manifesting that by reason of the losse of their crop causing great scarcity of grain in their said Colonie, there are a considerable number espccially in the northern parts whose wants render them fitt obiects of charity and compassion of those that are willing to deal their bread to the hungry, and moving for a charitable contribution from the good people of this Colonie for the relief of such as are or are likely in short time to be in distresse. The Governour and Councill having heard and considered their affecting lines, and bearing on their spirits a deep

* The Patent of Rye is recorded in Col. Rec. of Deeds, Patents &c., II, 251; that of Bedford in the same volume, p. 254.

sence of their obligation to works of charity towards such of Gods people as stand in need, doe see cause to order that a brief be sent forth through this Colonie, and hereby doe recomend it to all the revcrent elders to exhort and incourage those that are under their ministrie in their severall congregations to contribute according as God hath blest them such proportion of grain or other good provision or money, as may be a suitable relief to their christian friends and brethren in distresse. And it is desired that some meet person in every congregation be appointed to collect or recieve the respective contributions of the good people, and to deliver the same to persons appointed by the Councill in each countie to ship the same aboard some vessell bound for Boston and to consign it to the worshipfull Capt^{n} Sam^{ll} Sewell there residing, to be distributed for the relief of the poor people beforementioned, according to the discretion of the said Capt^{n} Sewell and the s^{d} reverent elders. The persons appointed by the Governour and Councill in the severall counties to recieve, ship and consigne the contributions of the severall respective congregations as aforesaid are, for the countie of Hartford, Capt^{n} Caleb Stanley; for the countie of Newhaven, Maj^{r} Moses Mansfield; for the countie of Fairfield, Capt^{n} Nathan Gold; for the countie of Newlondon, Maj^{r} James Fitch.*

Ordered that a day of fasting and prayer be solemnised throughout this Colonie on Wedensday come seven night.

At a meeting of the Govern^{r} and Councill in Newhaven, March y^{e} 24th, 1697.

Members of the Councill:
Colon^{ll} Rob. Treat Gover^{nr},
Will. Jones Esq^{r} Dep. Gover^{nr},
Capt^{n} Dan^{ll} Witherell,
Maj^{r} James Fitch,
Maj^{r} Moses Mansfield,
Eleazar Kimberly, Secr^{try}.

The Govern^{r} and Councill being sensible of the great danger that this Colonie is in, in this time of warre, by reason of the scarcity of powder, desired and aggreed with M^{r} Thomas Trowbridge sen^{r} to procure for the Colonies use eight barrells of powder (if it can be obteined) and inguaged to him upon the creditt of this Colonie that what moneys he did disburse for the purchasing of such a quantity of powder or so much of it as he can procure for the use aforesaid, and also what cost he should be att for the transporting and delivery thereof to persons appointed to recieve it in behalfe of the Colonie with reasonable allowance for his trouble therein, should be well and truely paid to him to his reasonable satisfaction out of the publick Treasury, the Colonie to run the resigue of the powder from the place of its shipping till it is delivered to some persons appointed to recieve it in Newhaven aforesaid.

The eight barrells of powder (if they can be procured) to be distributed to the severall counties of this Colonie as followes, that is to say,

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* An account of the contribution of Connecticut disbursed by Capt. Sewall, amounting to £172 5, 1, with some of the vouchers are in War, III, 43–53.

two barrells to the countie of Hartford, two to the countie of Newhaven, 1 barrell and a halfe to Fairfield countie, two barrells and a half to Newlondon countie to be disposed as followeth, that is to say, one half barrell for the supply of the fort at Saybrook, and two barrell for the supply of the fort at Newlondon.

The Govern^{r} and Councill being informed that John Rogers and Will. Right, who have been formerly by sentence of court committed to the keeper of the gaole in Hartford to be kept as close prisoners,* are permitted frequently to walke at liberty, declared their extreme dissatisfaction with the keeper of the said gaole, and with any in place of authority (if any such there be) that either have or now doe countenance or connive at the gaole keeper in granting the said prisoners such liberty, and that it is their expectation that there be a speedy and effectuall reformation of such dangerous disorder, and that the said Rogers and Right be kept close prisoners, and no more suffered to goe at large as formerly untill they are delivered according to lawe, and that the gaole keeper or any persons concerned, that shall contrary to lawe permitt or countenance the aforesaid unlawfull liberty of the said prisoners, must expect that due testimonie will be born against them for so doing according to lawe.

At a meeting of the Govern^{r} and Councill in Hartford, Apr^{ll} 15th, 1697.

Members of the Councill:
Colon^{ll} Rob^{t} Treat, Govern^{r},
M^{r} Nathan^{ll} Stanley,
Capt^{n} Caleb Stanley,
Capt^{n} Jn^{o} Hamlin,
Lieu^{t} James Treat,
M^{r} Hen^{r} Woolcutt,
M^{r} Jn^{o} Chester,
M^{r} Will. Pitkin,
Eleazar Kimberly, Secret^{ry}.

A letter from Govern^{r} Fletcher, bearing date Aprill the fift, 1697, was read in Councill, wherein was signified his discontent that the towns of Rie and Bedford were owned under this goverm^{t}.

A letter drawn to send to Colon^{ll} Fletcher was read and approved in Councill.

At a meeting of the Govern^{r} and Councill in Hartford, Aprill y^{e} 29th, 1697.

Members of the Councill:
Colon^{ll} Rob^{t} Treat, Govern^{r},
M^{r} Nathan^{ll} Stanley,
Capt^{n} Caleb Stanley,
Lieu^{t} James Treat,

Two letters from the Governour and Councill of Newyork, the one bearing date the 19th, the other the 26 of this instant, were read in Councill, as also a proclamation sent forth by the Govern^{r}

* John Rogers, Jr. for being suspiciously guilty of burning New London meeting-house and for being active in conveying Daniel Mathews, a condemned malefactor, out of the colony; William Wright, an Indian, for the rescue of Mathews, the abuse of Stonington meeting-house, and concealing information about the burning New London meeting-house.

Mr Henr Woolcutt,
Mr Jno More,
Mr Jno Chester,
Captn Cyprian Niccols,
Mr Will. Pitkin,
Elcazr Kimberly, Secretry.

of Newyork, against the inhabitants of Rie and Bedford, wherein the Governour and Councill of Newyork signifie the continuance of their dissatisfaction at what was formerly acted by the Councill in granting to the said towns the priviledges and protection of this governt.

A letter drawn to send in answer to Colonll Fletcher was read and approved in Councill.

Vpon the motion of the Honble Lieut Governr Stoughton and information that the enemy Indians intended to scatter into small companies to doe mischief upon his Majeties subiects, the Governr and Councill also being moved by the Worshipfll Captn Samll Mason and the Reverent Mr James Noise, ordered a letter to be sent to Captn Samll Mason and Mr James Noise desiring them to promote of raising twentie or thirtie men, English and Indians, furnished with armes, amunition and provision, to range the woods between Nashua and Deerfield, and neer Mamerrimack River, and between Hadley and Marlburrough, as they shall judge best. And the Governour and Councill being informed that the enemy Indians intended to scatter and to sett upon the small townes upon the river that were secure, warrants were sent to the severall constables of the towns in danger to see that due watch and ward be kept.

At a Court of Election held at Hartford, May 13th, 1697.

The persons elected to their respective offices out of those in nomination in October, 1696, are,

Colonll Robert Treat, Governr.
Wilt Jones Esqr, Deputy Governr.
Majr Genll Fitts John Winthrop, Assistt,
Captn Andrew Leet, Assistant,
Majr James Fitch, Assistt,
Captn Samll Mason, Assistt,
Captn Danll Witherel, Assistt,
Nathanll Stanley Esqr, Assistt,
Captn Caleb Stanley, Assistt,
Majr Moses Mansfield, Assistt,
Captn Jno Hamlin, Assistt,
Majr Jonathan Sellick, Assistt,
Captn Nathan Gold, Assistt,
Mr Wilt Pidkin,* Assistt,

* Son of William Pitkin and now about thirty-three years of age, elected in the room of Lt. Col. John Allyn, deceased.

Capt^{n} Joseph Whiting, Treasurer,
Eleazar Kimberly, Secretary.

[279] *Deputies or Representatives:*

For Saybrook, M^{r} Jn^{o} Whitlesey, M^{r} Nath^{ll} Chapman.
For Newlond^{n}, M^{r} Andr. Lester, M^{r} Will Dowglas.
For Glassenb^{ry}, M^{r} Sam^{ll} Wells.
For Norwich, Capt^{n} Ben. Bruister, Ensign Richrd Bushnell.
For Bedford, M^{r} Zechariah Roberts, M^{r} Jeremiah Andrus.
For Rie, M^{r} Vmphrie Vnderhill, M^{r} Deliverance Brown.
For Windzor, M^{r} Hen^{r} Woolcutt, M^{r} John More.
For Norwalk, M^{r} Sam^{ll} Haise, M^{r} Mathew Marvin.
For Stanfrd, M^{r} Sam^{ll} Hoit, M^{r} David Waterbury.
For Milford, M^{r} Thomas Clerk, M^{r} Sam^{ll} Newton.
For Stratford, M^{r} Ambros Thomson, M^{r} Ephraim Stiles.
For Lime, Capt. Will Eelie, Ensign Joseph Peck.
For Farmingtō, Capt^{n} Tho. Hart, Lieu^{t} Jn^{o} Jud.
For Stonington, Serj^{t} Jn^{o} Gallop.
For Danbury, M^{r} Tho. Taylor.
For Fairfield, M^{r} John Wakeman, Lieu^{t} James Bennet.
For Newhaven, M^{r} Jerem. Osborn, M^{r} Jn^{o} Allin.
For Branford, M^{r} Will Malbie, Capt^{n} Eleazar Stent.
For Symsbury, Serj^{t} Sam^{ll} Wilcockson.
For Wallingfrd, Capt^{n} Tho. Yale, Deacon Hall.
For Killinsworth, M^{r} Sam^{ll} Buell, Deacon Griswold.
For Wethersfield, Capt^{n} Robert Wells, Ensign John Chester.
For Greenwich, M^{r} John Hobbie, M^{r} Tho. Close.
For Gilford, M^{r} Josiah Rossiter, M^{r} John Elliott.
For Hartford, Capt^{n} Jona. Bull, M^{r} Will Pidkin.
For Haddum, M^{r} Dan^{ll} Brainard.
For Waterbury, Lieut. Tho. Jud, Serj^{t} Isaac Brunson.
For Midletown, Capt^{n} Nathan^{ll} White, M^{r} Sam^{ll} Stowe.
For Preston, Ensign Jn^{o} Parkes.
For Woodbury, Capt^{n} Jn^{o} Minor.

Ordered by this Court that the Deputies that attended to the end of this Gen^{ll} Assembly should recieve of the Treasurer 8*s*. more then their standing salleries and that their salleries should be paid to ȳ (for this Court) in currant money.

This Court reflecting upon the lawe made in May last con-

cerning raising y^e^ valluation of money, and finding the same upon farther consideration to be rather hurtfull then profitable to the inhabitants of this Colonie under their present circumstances, doe see cause to repeal the said lawe, and hereby doe declare the same to be wholly repealed and made void; always provided that what contracts were made for money during the time the said law was in force are to stand good and to be fulfilled according to the true intent and meaning of the said contracts, the repealing of y^e^ said law notwithstanding.

This Court taking into their most serious consideration of what high importance it is for the glory of God, and the welfare of his Majet^ies^ good subiects inhabiting in this Colonie, that a competent and certain mainteñance for the ministers of the gospell which now are or hereafter shall be through the mercy of almighty God vouchsafed to dispence his holy word and ordinances in our severall plantations be duely stated and setled, and observing how much hindrance is many wayes given to the dispensation of gospel ordinances, and further like to grow in upon us if a timely remedy be not provided, have judged it their duty to order and appoint, and accordingly doe by the authority of this Court, enact, order and [280] appoint || that from and after the publication hereof, the severall towns and plantations in this Colonie shall respectively pay unto the respective ministers in the said towns, or plantations, for the time being who dispence the gospel in the said plantations, and are according to the good lawes of this Colonie settled or called to preach the word there, annually the severall summes or payments, which are or shall be aggreed upon, by the severall townes, plantations, or societies, and the ministers in them; which sum̃es or payments in each town or society shall be levied and assessed on the severall inhabitants in each town or plantation according to their respective estates as from time to time they shall be in the gen^ll^ list or lists of the persons and estates of the inhabitants of each town or plantation, and in such species, viz: wheat, indian corn, rie and pork, and in such proportion and prizes of y^e^ species as shall from year to year be settled by the Gen^ll^

Court for the payment of the ministers rates, or in money; which said sumes or payments shall be collected by such person or persons as the respective townes shall from year to year choose and appoint for that end. And if any town or townes so concerned shall neglect to choose and appoint yearly such collector or collectors, it shall be the duty and in the power of the Assistants or Assistant in or next residing to the town or towns so neglecting to appoint and impower by his warrant such collector or collectors as they or hee shall see fitt. And if any person or persons so assessed being demanded the said payments levied on them shall refuse or neglect to pay in the same in time and place appointed by the said collector or collectors, then upon certificate thereof from the said collector or collectors to the next Assistant or Comissioner the said Assist^{t} or Comissioner shall issue forth his warrant to the constable or constables of the town or to the collectors where such neglect of payments shall be, to distrein the same paiment or paiments out of the estate or estates of the person or persons so refusing or neglecting to pay, with such additions for the distreining and in such maner as shall be from time to time lawfull to use in collecting the countrey rates and that no replevin shall be granted thereupon. Onely it is provided that if any person or persons shall be assessed more then their proportion, they shall have remedy by the court of that countie where it is upon prooff made thereof.

[This law for the stating and collecting rates for the maintenance of the ministry is to be duely observed and executed throughout this Colonie for the future, any former law, custome or usage to the contrary notwithstanding.]*

And it is further ordered by this Court and the authority thereof that if any of the towns of this Colonie, shall be in or for, any year or years, without a minister, preaching the gospell to them, such town or townes shall in the said year or years, notwithstanding pay the sumes or payments as the Gen^{ll} Court shall appoint, as if there were a minister there, of which payment, or payments, the collector or collectors, re-

* In the record and in the Stanley MS. this clause is crossed out. It is not found in the Windsor MS.

spectively, shall make certificate to the next countie court, of that countie, where such collection shall be made, which said countie courts shall dispose and improve the said sumes for the use of the ministry in that town where it is collected as soon as opportunity can be had for it, according to the discretion of the said court.

The law made in May last prohibiting the transportation of wheat is by the authority of this Court repealed.

Ordered by this Court and the authority thereof that for the future no petition shall be recieved in the Gen^{ll} Assembly, except twentie shillings in cash be paid down for each petition, whereof three shillings shall be to the Secretary.

Ordered and enacted by this Court that in all civill actions that come to the Court of Assistants by appeal from the countie courts there shall be liberty of review in the said court granted once and no more, and then the said action or actions to recieve a finall issue, and for the future no appeal to be admitted frō the judgment of the said Court of Assistants in such action or actions to the Generall Assembly, any former law, custome or usage to the contrary notwithstanding. This law to be in force imediately from and after the publication thereof, excepting onely in such cases as are now depending.

[281] The 3^{d} Wedensday in June next is by this Court appointed to be a day of publick fasting throughout this Colonie.

Resolved in this Gen^{ll} Assembly that no actions shall be recieved in court except the fees of the court be first paid down.

This Court considering the misconstruction that some persons doe put upon that part of the law intitled Ministers Maintenance, requiring all those that are taught in the word in the severall plantations and societies in this Colonie to meet together annually to consider what may be a meet maintenance for the ministry of that society to which they belong, and to conclude the same, which some persons doe interpret to make void all contracts between ministers and people for the maintenance of the ministry in the severall townes and societies in this Colonie, doe see cause to repeal and make void that part

of the said lawe, and doe hereby declare the same to be wholy repealed and made void.

The Governour and Gen[ll] Assembly in October last having appointed a com̃ittee to revise the lawes of this Colonie and to consider what alterations, additions and emendations are necessary to render the lawes of this corporation more effectuall to maintain and uphold righteousnesse and promote the weal and prosperity of his Maje[ties] good subiects here; this Court desires the reverent elders now resident in Hartford, the Reverent M[r] Stow being desired to be with them to give advise to the persons chosen in that affair, and also to advise this Court in what manner they ought to bear testimony against the irregular actions of Jn[o] Rogers in printing and publishing a book reputed scandalous and hereticall.

These following were chosen Com̃issioners for the year ensuing: for Windzor, M[r] Hen[r] Woolcutt, M[r] Jn[o] More, and M[r] Jn[o] Woolcutt; for Wethersfield, Capt[n] Jn[o] Chester, Lieut James Treat, Ensig. Jn[o] Chester; for Midletown, Capt[n] Nathan[ll] White; for Haddum, Capt[n] George Gates; for Farmington, Capt[n] Jn[o] Stanley and Capt[n] Thomas Hart; for Waterbury, M[r] Tho. Jud; for Woodbury, Capt[n] John Minor, and Lieut Israel Curtis; for Stratford, Capt[n] Will Curtis, and M[r] Joseph Curtis, and M[r] Richard Blackleech; for Fairfield village, Captain Mathew Sherwood; for Fairfield, M[r] Jn[o] Wakeman; for Norwalk, Capt[n] James Omstid; for Stanford, Lieut Jonathan Bell; for Greenwich, Lieut Sam[ll] Peck; for Milford, Capt[n] Tho. Clerk; for Danbury, Lieut James Beebe; for Branford, M[r] Will Malbie, Capt[n] Eleazar Stent; for Wallingford, M[r] Jn[o] Mosse, and Capt[n] Tho. Yale; for Killinworth, Lieut Hen[r] Crane; for Saybrook, M[r] Nathan[ll] Line, and M[r] Will Dudley; for Lyme, M[r] Mathew Griswold, M[r] Will. Eelie; for Newlondon, M[r] Richard Christophers; for Preston, and also for Norwich, Capt. Benj[n] Bruister; for Windham, M[r] Joshua Riplie; for Derbie, Capt[n] Ebenezer Johnson.

The Assistants in the severall counties are desired and appointed by this Court to take speedy and effectuall care that the persons chosen to be Com̃issioners for the year ensuing be sworn to a faithfull discharge of that trust.

Capt^{n} Jn^{o} Minor, M^{r} Park, M^{r} Douglas and M^{r} Gallop, were appointed to treat some Pequit Indians that were come to make application to this Court, and to indevour a right understanding of their businesse and to make return.

This Court being informed by the said gentlemen of some differences arising between the said Pequitts concerning their rights in certain lands in the township of Newlondon, to putt an issue thereunto doe order, that the old councellors of Ketshawmucquin shall peaceably enioy their improvements within the township of Newlondon, and Kitshawmaquin shall peaceably inioy the lands and rites that Dan^{ll} left him by his will. And these councellors are not to act any thing as to goverment within the bounds of New London.

In reference to the Nahanticks it was consented to in Court that Musquashuck is the apparent Sachim of Nahantick being the reputed soñe of Musquatt.

This Court grants full power to Sam^{ll} Walker of Wethersfield and Abigail his wife, the late wife of John Crane of the said town deceased, with the advice of the overseers of the estate of the said John Crane to make sale of some part of the said estate for payment of debts due therefrom as necessity shall require.

This Court grants to Isaac Hall of Fairfield one hundred and fiftie ac^{rs} of land to be taken up where it may not preiudice any former grant to any town or particular person.*

This Court grants to Maj^{r} Jonathan Sellick, Capt^{n} Dan^{ll} Witherell and Capt^{n} Andrew Leet to each of them two hundred acr^{s} of land where it may be taken up so as not to preiudice any former grant, to any township or particular person.

This Court approved of the act of the Governour and Councill in sending twentie five men the winter past to the garrison at Albanie to assist in the defence of that post, and ordered that Jonathan Colefax should be allowed reasonable satisfaction for his service in that expedition.

Serj^{t} Thomas Bunce is by this Court established Ensign of

* His petition is in War, III, 30. He had served as surgeon among the soldiers and had lost one of his sons in the service. He asks liberty to purchase 250 acres of land of the natives in the bounds of this colony, and that his accounts may be perused.

the train band at Hartford, and to be comissionated accordingly. *Comissionated.*

Ensign Sam[ll] Pond is by this Court established Lieu[t] of the train band in the town of Branford, and Serj[t] Tho. Harrison to be their Ensign, and both to be commissionated accordingly. *Comissionated.*

This Court grants full power to Marie Frisbie, alias Marie Darbie late wife of Jonathan Frisbie of Branford deceased, to confirme an exchange of sixe or seven ac[rs] of land made between the Reverent M[r] Sam[ll] Russell and s[d] Jonathan Frisbie [282] and interchange || possessed by them in the life time of the said Jonathan.

M[r] John Wakeman is by this Court confirmed Lieu[t] of the train band at Fairfield. Ordered that he be comissionated accordingly. *Comissionated.*

Ordered by this Court that the souldiers inhabiting within the bounds of Stratford on the west side of Pequoñack River and those inhabiting within the bounds of Fairfield village westward be united together and exercised in one band and company, and Lieu[t] John Beersley to be their Lieu[t] and Ensign Isaac Wheeler to be their Ensign and to be comissionated respectively.

Ensign James Judson is by this Court confirmed Lieu[t] of the train band at Stratford, Serj[t] Thomas Knowles to be their Ensign, and to be comissionated respectively. *These are comissionated.*

Sam[ll] Willis Esq[r], M[r] Timothie Woodbridge, M[r] John Hains, M[r] Roger Hooker, Capt. Jonathan Bull, Thomas Wadsworth, with others of the inhabitants of Hartford having land on the east side of the great river at the place comonly called Hoccanū, being proprietors of the land there lying in the meddow, petitioned this Court that an aggreement of the proprietors of the said lands for the removing of the comon fence erected for the inclosure of their meddow lands there, from the bank adioining to the meddow where it was formerly made, to the highway, unto which aggreement all the persons concerned and present did aggree except one, pursuant whereunto persons appointed had divided and staked out to every one their

severall portions of fence to their generall satisfaction, might be confirmed: this Court having considered the matter with the return of a comittee sent to view the fence and ground, and being satisfied that it might be for the gen^{ll} good of the proprietors doe hereby rattifie the said aggreement and doe require all the proprietors to submitt to and attend the same, except he that liveth on the school land, who is at his liberty to ioyn with his neighbours in fencing in comon or may fence that farme in particular.

Colon^{ll} Hutchinson and Capt^{n} Nathan^{ll} Byfield, messengers from the Lieu^{t} Governour and Councill of his Maje^{ties} Province of Massachusetts, made their application to this Assembly by memoriall in the name of the said Lieu^{t} Govern^{r} and Councill, for the raising a suitable number of effective men well equipt to joyn the forces of the said Province, to prómote a design of visiting the comon enemy at their head quarters and to send provisions to Boston for their supply. Capt^{n} Sam^{ll} Mason, Capt^{n} Jn^{o} Hamlin, and M^{r} Jn^{o} Elliott were chosen and appointed by this Assembly to treat with the said gentlemen.

In answer to the proposalls of Honrd Colon^{ll} Hutchinson and Capt^{n} Byfield, respecting the prosecution of the warre against the comon enemy, this Court not finding themselves able to raise an armie sufficient to attack the enemy at their head quarters without more aid from their neighbours then can be obteined, doe therefore conclude to proceed at present in mannagement of the warre as they have began, by sending sixtie four men, English and Indians, to range the woods neer the walk of the enemy and upon the return of those that are sent out to reenforce them by adding to their number according as the providence of God shall direct and enable them, expecting that those that from time to time be sent forth, when they shall in going forth or returning come into any of the frontiere townes of the Massachusetts Province they shall be by that Province *be* relieved with armes, amunition and provision as they shall stand in need.

A letter drawn in answer to the motion of the Lieu^{t} Governour and Councill of the Massachusetts was read in this Court and ordered to be sent to Boston to them.

This Court did by their vote declare their approbation of the act of the Councill Jan. the 19th, 1696, in undertaking the protection of the townes of Rie and Bedford as members of this corporation, and appointed John Horton Lieut for the town of Rie, and John Lyon to be their Ensign, and Dan[ll] Symkins to be Ensign for the town of Bedford.

M[r] Wilt Eelie was chosen and appointed by this Court to be Captain of the train band in Lyme: ordered that he be comissionated accordingly. *Comissionated.*

This Court grants full power to the Governour and Councill to raise men and to send them forth against the comon enemy or for the assistance of the neighbour Provinces or Colonies as need shall require, and this act to continue untill the next sessions of the Gen[ll] Court. The Councill to meet and consider what is requisite to the prudent managem[t] of that affair, at such time and place as the Governour in his discretion shall appoint. If it shall happen that there shall not be Assistants enough neer hand to make a Councill, the Governor may make up the full number either out of the Comissioners or Deputies of the Gen[ll] Assembly that live more convenient. The Secretary to be one of the Councill. The Councill to consist of seven in number.

Granted by this Court that the bounds of Bedford shall be sixe miles north in length from the north end of Stanford, and sixe miles in breadth, that is to say, three miles east and three miles west from the center of the town, 6 miles square in the whole.

Nathan[ll] Burre jun[r] of Fairfield as atturney for Dan[ll] Burre and Dan[ll] Lockwood and Abigail his wife children of Dan[ll] Burre, late of Fairfield deceased, petitioned this Court to grant him liberty to contest a certain will made or pretended to be made by the said Dan[ll] Burre deceased, and formerly approved in the Court of Assistants, the said will not appearing this Court referred the matter to a hearing in October next.

Zechariah Baldwin of Milford petitioned this Court to take into consideration a controversie depending between him and M[r] Roswel of Newhaven, in which M[r] Richard Roswell recovered judgm[t] against the said Baldwin at the Court of

[283] || Assistants held at Hartford Octobr, 1696, and to grant a supersedeas to the execution of the said judgment, and to order execution to be granted against said Mr Roswell upon a iudgment obteined against him at the countie court in Newhaven June, 1695. This Court grants him a supersedeas to sd execution, and the cost of this court. Cost allowed at 1*l*. 08*s*. 00*d*.

Abraham Hasseltine of Bradford in the countie of Essex in Newengland appeared in Court and by authority derived by letter of atturney from Thomas Dawson of Morley in the countie of Yorke in the kingdome of England, claimed certain housing and land in Windzor formerly belonging to Thomas Nowell of Windzor deceased, and by him given and bequeathed by his last will and testament to his then wife for and during her naturall life, and after her decease to Cristopher Nowell sonne of Edward Nowell of Wakefield, in the said countie, to him and his heirs forever, and by the said Cristopher Nowell bequeathed to Rebecca Greathead of ye said Morley, and by Thomas Shipton and the said Rebecca his then wife, assigned to the said Thomas Dawson for the terme of one thousand years. The said Abraham Hasseltine exhibiting legall evidences in Court of all the said conveyances of the said housing and lands, and petitioned this Court for their approbation of an aggreement made between him the said Hasseltine and Jno Wilson and Samuel Wilson, administrators to the said estate of the said Thomas Nowel, for resignation of their administration and yielding the said estate (with this Courts approbation) to the said Abraham Hasseltine. This Court having considered the evidences of the said Dawsons right to the said estate, and the said Hasseltons right to recieve and dispose of the same appearing by a letter of atturney under the hand of the said Dawson lawfully attested, as also having considered a writing given in by the said John Wilson and Samll Wilson declaring their willingnesse to yield up their said administration, doe see cause to approve of the said agreement and that the said Abraham Hasseltine should take, recieve and dispose of the said estate of housing and lands as atturney for the said Thomas Dawson.

Sam[ll] Haise in behalfe of the town of Norwalk petitioned this Court that a comittee might be appointed to settle the line between the bounds of Fairfield and Norwalke, and that the said town of Norwalke might have their purchased lands confirmed to them as to the propertie of the land, though the duties rising therefrom be ordered to Fairfield, and that a fine imposed by Fairfield countie court might be remitted. This Court grants a further hearing of their petition at October Court next ensuing

Vpon the petition of Ensign Cheenie, this Court did declare that their true intent in granting the one halfe of the countrey rate to the town of Midletown for the carrying on of the worke of the bridge over the ferry river, was that the said one halfe of the said rate should be delivered to M[r] Francis Whitmore for his incouragement and to be improved by him for the further carrying on the said worke, for the publick use; and this Court doth hereby impower the s[d] Francis Whitmore to aske, sue for, require, recover and recieve the same of the constable or constables of the said town, or other officers that have any part thereof, or ought to collect the same.

A letter drawn by the Secretary to send to Colon[ll] Fletcher was read and approved of in this Gen[ll] Assembly.

This Court gives full power to Capt[n] Sam[ll] Mason to take up upon the creditt of this Colonie what is or shall be needfull and may be obteined for the supply of the English and Indians that are gone out after the enemy, for the furnishing them with armes and amunition or provision or payment of wages, or for the supply of any other that shall be sent out from time to time untill the next sessions of the Gen[ll] Assembly.

Vpon the petition of Joseph Migate that this Court would grant him liberty with the consent of the natives to take up so much of the countrey land, as by a iust computation may answer what is due to him from Quañepue a Farmington Indian for money expended in mañaging a case in law for him which he affirmes to amount to about fifteen pounds, this Court grants him the said Joseph Migate liberty to take up two hundred ac[rs] of land, provided he take it up where it may not preiudice any former grant.

The comittee desired and appointed by the Gen[ll] Assembly in October last, viz: M[r] John Hamlin, M[r] Wilł Pidkin, and Capt[n] Wilł Whiting, to meet at Norwich or Lebanon as soon as they could, and to indevour to settle a good composure of a controversie depending in Court between M[r] Wilł Bruister (or Owaneco in whose right M[r] Bruster claimes certain lands in Lebanon) and Abimelech, and to make return, appeared in this Court, and it being evident that the parties were not aggreed, the plaintiff went forward with his appeal from the judgm[t] of the Court of Assistants, according to liberty formerly granted to him. The action depending between the said parties is thus entred in the records of the Court: Abimelech, sonne of Joshua and granson of Vncas sachim of Mohegin, plaintiff cont[r] M[r] Wilł Bruister defend[t], in an action of the case for your illegall entring upon and improving certain lands being part of a tract of land given to him the said Abimelech by the last will of Joshua his father, at or neer a place called Lebanon, adioyning or neer to a parcell of land given to Capt[n] Jn[o] Mason, joyns to Norwich bounds, to a surrendry of the said land or quitting your said entric and improvem[t]: in this action the jury at the Court of Assistance find as followeth, that is to say, if Joshuas will be a legall [284] conveyance and the land in controversy || be within that tract of land mentioned in the said will, then we find for the plaintiff the surrendry of the land in controversie and costs of courts; if not, then we find for the defend[t] cost of court; this court doth judge Joshuas will to be a legall conveyance, and that the land in controversie is within that tract of land mentioned in the will, and therefore doe find for the plaintiff the surrendry of the land in controversie and costs of courts: from this judgment this plaint[ff] now brings his appeal. This Court having considered the pleas and allegations of both parties find for the plaintiff cost of court. Costs allowed at 2*l*. 08*s*. 00*d*. Cost paid in court.

This Court doth declare that in this action they have not determined the title of the land in controversie.

The people inhabiting on the east side of the great river in Windzor bounds petitioned this Court that they might be

excused from the paym^t of the one halfe of their countrey rate, which was granted to them to fullfill a former grant of this Court to them May 16^th^, 1695.

This Court did also order that the souldiers there inhabiting should unite together in one body and be there exercised under the comand of a leader of their own election.

Ordered by this Court that the souldiers in Wethersfield should be so equally divided that the trainbands may be reduced to an equality in number as neer as may be.

Vpon the motion of Sam^ll^ Haise sen^r^, John Beldin, Jn^o^ Whitnie, Ralph Keeler, Jachin Gegorie, Jn^o^ Nash, Sam^ll^ Keeler, William Lees, Zerubbabel Hayt, Will^m^ Hains, to purchase of the Indians a certain tract of land lying about fourteen miles northward of the town of Norwalk to settle a plantation there, this Court made choice of Mathew Marvin, M^r^ John Wakeman and David Waterbury, to be a comittee to view the said land and to informe them whether there be accomodation sufficient for a body of people to settle upon in a plantation way.

This Court gives full power to the Treasurer upon the creditt of this Colonie to borrow one hundred and thirtie pounds in currant money of Boston, and to convey and deliver it to the Lieu^t^ Governour William Stoughton Esq^r^, to satisfie a bill for the same sume charged upon this Colonie by our agent in England.

This Court grants liberty and authority to Elizabeth Mitchel late wife of John Mitchell of Hartford deceased, with the consent of M^r^ Thomas Olcott sen^r^, of the said town, to make sale of some part of the housing and lands belonging to the estate of her said deceased husband, so farre as necessity shall require for the paym^t^ of debts due from the said estate, an account whereof is left upon file amounting to the sume of 22*l.* 02*s.* 00*d.*

Capt^n^ Nathan Gold, M^r^ Will^m^ Pidkin, M^r^ Jn^o^ Elliot, and M^r^ John Whittlsey, are appointed by this Court to be a comittee to consider the printed law concerning ministers maintenance and also such lawes as are drawn up (by the committee chosen

to revise the laws) respecting ministers maintenance, and to advise what is necessary to be done in that matter.

Lieu^{t} Averie and M^{r} Burrows appeared in Court to prosecute their application to this Court in the behalfe of the inhabitants of Newlondon living on the east side of the river, that this Court would grant them liberty to imbody in a ch. way and to call a minister &c. This Court having considered their circumstances doe not see cause to grant their desire, there not being clear evidence of a good aggreem^{t} among them, nor of their ability to afford a minister honourable maintenance.

M^{r} Jonathan Rogers being sumoned to appear at this Court to answer the complaint of his brother Joseph, charging him with procuring and improving false and forged evidences to the procuring of an award against him to his damage before Honrd Colon^{ll} Treat, Colon^{ll} Jn^{o} Allin, and M^{r} Nathan^{ll} Stanley, though this Court doth not see ground to charge said Jonathan Rogers with forgerie, yet there hath been some things since discovered in reference to the testimonies y^{t} the said award was grounded upon that this Court doth see cause, and doth release the administratrix of the estate of the said Joseph Rogers and the heirs of the estate of the said Joseph from the obligation of the arbitration bond, and give free liberty to the administratrix of the apellant to goe forward with the appeal in the said action at this Court: the defend^{t} pleading that he hath not had legall warning to answer the appellant at this present sessions, this Court adiourns the prosecution of this [285] appeal to the next sessions of y^{s} || Court in October next, and the defend^{t} then to appear to answer the action depending the appellants giving sufficient bond to prosecute the appeal at the said Court, and to answer all damages if she make not her plea good. M^{rs} Sarah Rogers administratrix to the estate of the deceased and relict of the plaintiff, doth acknowledge herselfe bound in a recognisance of twenty pounds to the publick Treasurie of this Colonie to prosecute this appeal and answer all damages if she make not her plea good.

M^{r} Richrd Edwards as atturney for M^{r} Simon Stoddar of Boston, merchant, plaintiff, cont^{r} Maj^{r} James Fitch, by

way of appeal from the iudgm^t^ of the Court of Assistants held at Hartford, May 10^th^, 1697, in an action of the case thus entred: M^r^ Simon Stoddar of Boston, merch^t^, plaintiff, cont^r^ Maj^r^ James Fitch of Norwich, defend^t^, in an action of the case for your uniustly defeating the said Stodder in tendring or presenting to the Marshal, Capt^n^ William Whiting, certain parcells of land to satisfie a iudgment of the countie court held at Hartford, Septemb^r^ 6, 1694, obteined by Richard Edwards of Hartford aforesaid, atturney to the said Stodder, the judgm^t^ of the said court being for 391*l.* 17*s.* 00*d.* and costs of court twentie three shillings, to which land tendred by you as aforesaid you had no good and clear title, by which means the plaintiff is damnified four hundred and eighty pounds; in this action the Court of Assistants find for the defend^t^ costs of courts; from this judgm^t^ this plaintiff now appeals. In this action this Court find for the defendant cost of court. Costs allowed at four pounds seven shillings cash.

M^r^ Sam^ll^ Buell of Killinsworth in behalf of severall of the inhabitants of the said town prosecuted a petition exhibited in October last by Jn^o^ Kelsie, Wil^t^ Barber, Wil^t^ Stephens, Robert Lane, Peter Farnam, in behalfe of some of the proprietors of the said town that this Court would order that a sluice and cart bridge should be built upon the river called the Hamock River, at the charge of such persons that might recieve benefit thereby being proprietors of lands in the said town, in proportion to the benefitt that might accrue to them by the bettering their lands thereby. This Court considering that the worke may be of comon benefitt to those whose lands are upon the said river, doe grant their petition, and doe order that the worke be carried on by the consent of the maj^r^ part of the said proprietors, and that all the persons that may according to the judgment of intelligent men in such workes be benefitted thereby, shall bear an equall proportion of the charge, according to their respective quantities of land that may be advantaged and bettered, to be determined and stated by the select men of the said town of Killinsworth or the maj^r^ part of them in case the parties concerned cañot aggree.

Lieu^{t} Mathew Allin appeared in Court and prosecuted his petition exhibited in Court October last, wherein he declared his dissatisfaction with the distribution of the estate of his father Thomas Allin made by the countie court, with what was done therein at the Court of Assistants in October last, and craved relief of this Court; the ground of his dissatisfaction being because it was not plainly determined in what specie the hundred pounds given him by his father to be paid to him at his decease should be paid in, whether in land or countrey pay. This Court doth order that the said one hundred pounds shall be paid to him in land indifferently divided and laid out to him according to inventory prizes. M^{r} Will Pidkin and M^{r} Jn^{o} Chester are appointed to make the distribution thereof to him, and they two to choose a third man if they cañot aggree.

John Avery appointed Captain of the trainband at Newlondon on the east side of the river and Nehemiah Smith to be their Ensign and to be coñissionated accordingly. *These are commissionated.*

Liberty is granted by this Court to any one of the inhabitants of Midletown to purchase of the Indians there inhabiting, claiming propriety of land in Wongunck meddowe, about one acre of grasse land in the said meddowe.

Voted and granted in Court that M^{r} Dan^{ll} Shilton should be paid what is due to him from the countrey in such mañer as other countrey debts are now by law to be paid, that is to say, two thirds money to satisfie the whole sume of what is now due to him in pay.

Captain Jonathan Bull is chosen Serjeant Majo^{r} for the countie of Hartford and to be coñissionated accordingly. Maj^{r} Bull took the serj^{t} maj^{r} oath in Court, and hath his serj^{t} maj^{rs} coñission. *The serj^{t} maj^{r} comission is given to Maj^{r} Jonath. Bull.*

These are appointed by this Court auditors of the countrey accounts, for Newlondon, Capt^{n} Dan^{ll} Witherell; for Hartford, Ensign Jn^{o} Chester; for Newhaven, M^{r} Jeremiah Osborn; for Fairfield, M^{r} Joseph Curtis. If any one of the said auditors

fail, then Mr Wilł Pidkin is by this Court chosen to supply his place.

Majr James Fitch and Captn Danll Witherell are appointed by this Court to take upon them the charge of repairing the fort at Saybrook upon the cost of this Colonie.

Richard Seemer of Farmington plaintiff, contr Thomas Hancox of Hartford defendt, in an action of the case by way of appeal from the iudgment of the Court of Assistants held in Hartford May the tenth, 1697, which action and judgment is thus entred in the records of the said court, vid., Thomas Hancox plaintiff, Richrd Seemer defendt in an action of the case for that you doe, or have uniustly possessed, and improved a certain parcell of land conteining by estimation two acres more or lesse, which the said Hancox bought of Lieut John Stanley of Farmington, as abutted and bounded by the deed, the land lying or situate at or neer the great swamp within the township of Farmington aforesaid, and that you doe or have unrighteously deteined or witheld the said two acres of land from him the said Thomas Hancox when lawfully demanded, to a surrendry of the said two acrs of land to the quiet possess- [286] sion of him the said Hancox, with iust ‖ damages: in this action the jury then find for this defendt the land in controversie and cost of courts: the Court accepting the verdict, this plaintiff appeals to this Court. In this action this Court find for the defendt the land in controversie and costs of courts, always provided that he allow to the plaintiff reasonable satisfaction for his labour and cost bestowed upon the said land to the benefitt of the defendt according to the judgmt of indifferent men. Majr Jonathan Bull, Ensign Jno Chester and Ensign Thomas Bunce are appointed by this Court to vallue the labour bestowed upon the said land.

Mr Jno More and Mr Joseph Migate are appointed by this Court to lay out to the heirs of Mr Stephen Hart of Farmington deceased, a tract of land formerly given to him by this Genll Assembly, according to his grant, consisting of one hundred and fiftie acres.

Mr Josiah Rossiter and Lieut Stephen Bradley are appointed by this Court to lay out to Captn Andrew Leet the two hun-

dred acrs of land granted to him by this Court. The same gentlmen are also appointed by this Court to lay out to any gentlmen in Gilford what lands are granted to them that are not yet laid out to them, according to their respective grants.

Elizabeth Terry widdow petitioned this Court that they would ease her of the great burthen of fence that is laid upon her husbands lands at Symsbury; also Jonas Westover, Thomas Barber senr, Jno Slater senr, Peter Buel, Robert Hoskin, Jno Hill, petitioned this Court for abatement of comon fence laid upon them by a comittee appointed by the Genll Court in the said town of Symsbury. This Court having considered the pleas of the said petitioners, doe not see cause to release any of the inhabitants of Symsbury from the former settlmt of their comon fence by the said comittee. This Court also imposed a fine of fortie shillings upon Jno Vmphrie of the said town of Symsbury for breaking down some part of the comon fence, halfe thereof to be to the sd Mrs Elizabeth Terry and the other halfe to the fence-viewers of the sd town.

Mrs Marie Butler widdow and relict of Mr John Butler late of Stratford deceased, petitioned this Court to grant her full power and authority to make sale of certain lands left by her deceased husband for the payment of his iust debts, there not being moveable estate sufficient to respond the debts due from her said husbands estate. This Court having considered the matter doe see cause to grant to the said Mrs Marie Butler her petition, and doe hereby grant to her full power and authority with the advice of Mr Richard Blackleech and Mr Joseph Curtis, both of Stratford, to make sale of so much of the lands belonging to the estate of her sd deceased husband as shall by the sd Richard Blackleech and Joseph Curtis be judged needfull for the payment of his just debts, hereby rattifing and confirming conveyances thereof under the hand and seal of the said Marie Butler to be as firme and authentick to all intents and purposes, according to the true intent and meaning thereof as if made and confirmed by the said John Butler in his life time.

Majr James Fitch, Captn Nathan Gold, Mr Jno Eliott and the Secretary are chosen and appointed by this Court to goe

forward with the worke of revising the lawes and to advise what addition may be requisite to render our lawes more effectual to promote the welfare of his Majties good subiects in this corporation.

This Court being willing to compose the differences between Owaneco and Abimelech concerning the bounds of lands claimed by them at or neer the place comonly called Lebanon, doe make choice of Majr Jonathan Bull, Captn John Hamlin, Captn William Whiting, Mr William Pidkin, Mr John Chester, and Mr John Elliot, to be a comittee, who are by this Court desired and appointed to goe to the said place of Lebanon or to any other place they shall thinke most convenient, and there by all lawfull ways and means to indevour an accomodation or friendly and peaceable composure of the said differences now depending between them, which if they cannot obtein by perswasions, they or the major part of them are hereby impowered by the authority of this Court to putt a full and finall issue thereunto according to the rules of righteousnesse and equity, and to make return of what they shall effect in this affair to the Genll Assembly in October next; and the said comittee are appointed by all lawfull and peaceable ways and means to indevour the incouragement and accomodation of the English inhabitants at Lebanon that they may goe forward with their plantation and improvements there.

Samll Willard is appointed by this Court Lieut of the fort at Saybrook, and to be comissionated. *Comissionated.*

It was voted and granted by this Court that Captn Thomas Yale of Wallingford should have liberty to renew his former suit in which he was atturney for Doctor John Hull in a controversie between Isaac Curtis and the sd John Hull about a [287] piece || of meddow at a place called Dogs Misery in the said town of Wallingford, notwithstanding any former act of the Genll Court. Giving the said Curtis sufficient notice thereof.

In answer to Woodstock petition it was voted and concluded to be left to the Governour and Councill to order and determine what shall be done in that matter.

The widdow of Jno Marshall late of Wethersfield and ad-

ministratrix to his estate hath full power granted to her with the advice and consent of Ensign John Wiatt and Ensign John Stedman of the said town, to make sale of so much of the lands belonging to the estate of the said John Marshall as is needfull for the payment of the debts due from his estate.

M^rs Allin being unsatisfied with the distribution of the estate of her husband Colon^ll Allin deceased, made application to this Court for relief.

M^rs Allin being unsatisfied with the distribution of the estate of her husband Colon^ll Allin deceased, made her application to this Court for relief. This Court orders that M^rs Allin shall have the great bible given to her by M^r Woodbridge in the life time of the Colon^ll, and ten shillings in money to be paid to her by the legatees of the said estate.

At a meeting of the Govern^r and Councill in Hartford, June the 5^t, 1697.

Members of the Councill:
Colon^ll Rob^t Treat, Govern^r,
Nath^ll Stanley Esq^r,
Capt^n Caleb Stanley,
Maj^r Jona. Bull,
Capt^n Rob^t Wells,
Ensign Jn° Chester,
M^r Will. Pitkin,
M^r Jn° More,
Eleaz^r Kimberly, Secret^ry.

A copie of a letter from his Maje^tie to Will. Stoughton Esq^r, Lieu^t Govern^r and Comander in Chief of the Province of the Massachusetts Bay, dated March the 18^th, 169⅘, was read in Councill, giving an account of his Maje^ties sending a fleet for the recovery of the island of Newfoundland and the re-establishment of his Maj^ties subiects in their trade and fisherie, and manifesting his expectation that his subiects in Newengland being neerly concerned in that design, should give all the assistance in their power towards the carrying on of that expedition, and that such ships and land forces as might be spared with safety might be sent to joyn with his Maj^ties forces, and also provisions and refreshm^ts for his armies.

Also a letter from Lieu^t Govern^r Stoughton and his Councill signifying their desire of 50 or 60 effective English men under officers appointed by this Councill to joyn with a partie of the Massachusetts to be constantly in motion above the heads of their frontiers and neer for their relief upon any attack of the enemy.

Voted and ordered in Councill that 50 men be raised with all expedition to send to the assistance of his Maje^ties subiects in the said Province in the service before-mentioned, and that provisions as wheat, indian corn, pease, porke &c. be imprest where it may be had for the supply of the souldiers that shall be sent. The provisions to be

purchased at the market price in money and consigned to Capt^{n} Sewel. That a letter be sent to the Lieu^{t} Govern^{r} and Councill to signifie to them the resolution of the Councill, and also the scarcity of provisions in this Colonie and the expectation of this Councill to have a supply of provisions for the souldiers sent from this Colonie from them till they may have a supply from hence, and when such provisions as are sent from this Colonie are spent, that they afford them a supply till their return, and what provisions they shall afford to the souldiers sent from this Colonie at their first arrivall there to be paid to them in the same specie out of the provisions sent from hence; also that they have their supply of amunition from them and also necessary clothing upon the creditt of this Colonie, and that the souldiers sent shall not continue upon the service beyond the last of September next, and to be at the comand of the Governour and Councell to be called home sooner if they shall see reason for it.

Voted and granted in Councill that every souldier should recieve 10^{s} in hand in money to supply him with a horse for his journey, and that the capt^{n} for his wages shall have 20^{s} cash p^{r} week while he is out upon the service, and the lieu^{t} 15^{s} cash p^{r} week, and the private souldiers 7^{s} p^{r} week; each souldier to have a quarter of a pound of powder and bulletts answerable. Capt. Will. Whiting to be capt^{n} of the company, Lieu^{t} Stephen Hollister to be their lieu^{t}.

A letter from Govern^{r} Fletcher dated May the 24th, 1697, was read in Councill, signifying that he had intelligence of a considerable French fleet in the West Indies gone in pursuit of the Spanish plate fleet, who are ordered if they misse of that design to destroy the fort at Newyork in their return,—desiring that 120 men be in a readinesse in this Colonie with arms and amunition at his first direction to march for the defence of the said fort, &c, and to transmitt the names of the officers and their places of residence to him.

In answer to Govern^{r} Fletcher, it was concluded in Councill to presse 120 men to be in a readinesse to march to Newyork upon the approach of the enemy, the men to be prest out of the townes of Newhaven, Milford, Stratford, Fairfield, Norwalk, Stanford, and Greenwich; Capt^{n} Mathew Sherwood of Fairfield to be captain over one halfe of the souldiers designed for Yorke and Lieu^{t} James Judson of Stratford to be their lieu^{t}; Capt^{n} Ebenezar Johnson of Darbie to be capt^{n} of the other half and Ensign Sam^{ll} Sherman of Newhaven to be their lieutenant.

The Gen^{rll} Assembly having left it to the Govern^{r} and Councill to determine what should be done in reference to the town of Woodstock, the Govern^{r} and Councill ordered that a letter should be sent to them to assure them that what they did expend upon the English and Indians that are gone out upon the discovery of the enemy or should goe out for their necessary relief and refreshment should be paid them out of the publick treasury of this Colonie.

At a meeting of the Govern^r and Councill in Hartford, June the 19^th^, 1697.

Members of the Councill:
Colon^ll^ Rob^t^ Treat, Govern^r^,
Nathan^ll^ Stanley Esq^r^,
Capt^n^ Caleb Stanley,
M^r^ Hen^r^ Woolcutt,
M^r^ Jn^o^ More,
M^r^ Will. Pitkin,
Capt^n^ Tho. Hart,
Capt^n^ Rob^t^ Wells,
Ensign Jn^o^ Chester,
Eleaz^r^ Kimberly, Secret^ry^.

A letter from Lieu^t^ Govern^r^ Stoughton to our Govern^r^ was read in Councill, dated the 12^th^ of this instant, wherein the Lieu^t^ Govern^r^ manifested his desire that the souldiers designed for the Province of the Massachusetts Bay should be sent forth with what dispatch might be. The Lieu^t^ Govern^r^ also sent an account of the return of the English and Indians that went forth against the enemy under the comand of Peter Aspinwall, and desired that they might be reinforced and sent forth again with speed.

Also a letter from Newyork by order of Govern^r^ Fletcher subscribed by David Jamison Cler. Concilij, dated June the 14^th^, 1697, was read in Councill, declaring that his Excellency would not give our souldiers the trouble of marching to Yorke unlesse he had certain intelligence of the approach of the enemy.

A letter was sent to Capt^n^ Sam^ll^ Mason to desire and order him to reinforce the partie of English and Indians lately come in from pursuit of the enemy and to send them forth with speed, and to order them to continue longer out upon the service then in their former going out.

A letter drawn to send to Lieu^t^ Govern^r^ Stoughton to signifie to him the design of this Councill to send the souldiers appointed to assist his Province with all speed, and also an acc^t^ of the chief officers appointed for that service, and the determination of this Councill to reenforce the English and Indians under Peter Aspinall and to send them forth again with as quick a dispatch as might be, was read in Councill.

Capt^n^ Will. Whiting is by this Councill appointed Comissary for the company bound for the Province of the Massachusetts Bay, and if he shall find the worke too burthensome, then to nominate to the Councill some able sufficient person to manage that trust, to be confirmed by them.

Ordered by this Councill that a letter of creditt be signed by the Treasurer for Capt^n^ Will. Whiting to take up upon the creditt of this Colonie what he shall have occasion for, for the relief of himself and souldiers in the expedition for the Massachusetts Bay that he is now going out upon.

A comission for Capt^n^ Will. Whiting, and one for Lieu^t^ Stephen Hollister, and one for Ensign Joshua Hodgkis, also instructions for Capt^n^ Whiting and a letter of creditt were all read and approved in Councill.

Ordered by the Govern^r^ and Councill that a letter be sent to Capt^n^ Sam^ll^ Sewel in Boston, to desire him to take the charge of the provisions that shall be consigned to him from this Colonie for the supply of our men that are upon service in the Province of Massachusetts

Bay, to turn the wheat into bread and preserve the other provision for their supply.

At a meeting of the Govern^{R} and Councill in Hartford, Aug 11th, 1697.

Present,
Colon^{ll} Rob^{t} Treat, Govern^{r},
Nathan^{ll} Stanley Esq^{r},
Capt^{n} Caleb Stanley,
Maj^{r} Jonathan Bull,
Will. Pitkin Esq.,
Capt^{n} Sam^{ll} Fosdick,
Eleazar Kimberly, Secr^{try}.

Orders by this Councill were sent to Maj^{r} James Fitch to take care that the fort at Newlondon be furnisht with men, armes and amunition, and that all things thereto belonging be in good order for the defence of the town and repulse of the enemy; and also to list a certain number of men in each of the townes adiacent, viz. Norwich, Stonington, Lyme, and Preston, to be ready to march to Newlondon, or to any other place within the countie of Newlondon, upon any sodain approach of the enemy, with other orders necessary to be attended for the defence and safety of his Maje^{ties} subiects in that countie in this time of warre and danger, a copie of which orders is upon file.

M^{r} Sam^{ll} Fosdick was appointed and comissionated by the Councill to be Captain of the souldiers to be listed out of the severall towns for the service before mentioned.

At a meeting of the Govern^{R} and Councill in Hartford, Aug. 26^{t}, 1697.

Present,
Colon^{ll} Rob^{t} Treat, Govern^{r},
Nathan^{ll} Stanley Esq^{r},
Capt^{n} Caleb Stanley,
M^{r} Hen^{r} Woolcutt,
M^{r} John More,
Capt^{n} Rob^{t} Wells,
M^{r} Jn^{o} Chester,
Eleaz^{r} Kimberly, Secret^{ry}.

A letter from Govern^{r} Fletcher, to our Govern^{r}, dated Aug. 16th, 1697, was read in Councill with an inclosed intelligence recieved from some Indians that have lately been out neer Canadie to warre upon the French, who informe that they being about fortie eight miles on this side Chamley, heard a great noise of drumes, and heard many canoes &c, and that they did verily believe that there was an armie of French marching against Albanie; vpon which intelligence Govern^{r} Fletcher desired one hundred men to be in a readinesse to march with armes and amunition compleat to Albanie upon the first notice of the enemies motion.

Ordered by the Councill that upon the first intelligence of the certain approach of the enemy with a considerable force to destroy the town of Albany, or to invade his Maje^{ties} subiects in that part of the Province, one hundred men furnisht with armes and amunition shall be forthwith sent to the assistance of his Maje^{ties} subiects there, whereof

fiftie shall be sent out of the troup in the countie of Hartford, and the other fiftie to be raised out of the counties of Newhaven and Fairfield, and that a letter be sent to his Excellencie to signifie the resolution of the Council.

At a meeting of the Govern^{R} and Councill in Hartford, Septem^{BR} y^{E} 21st, 1697.

Present,
Colon^{ll} Rob^{t} Treat, Gover^{r},
Nathan^{ll} Stanley Esq^{r},
Capt^{n} Caleb Stanley,
Will. Pitkin Esq^{r},
M^{r} Hen^{r} Woolcutt,
Capt^{n} Rob^{t} Wells,
Ensign Jn^{o} Chester,
Eleaz^{r} Kimberly, Secret^{ry}.

A letter from Lieu^{t} Govern^{r} Stoughton dated Septemb^{r} y^{e} 14th, 1697, was read in Councill, giving an account of a late expedition against the enemy, and signifying his earnest desire that Capt^{n} Will. Whiting with the detachment under his command might have instructions sent to them to remain longer upon the service then formerly limited, to the forming another expedition. The Govern^{r} and Councill having considered the matter, concluded to write to the Lieu^{t} Governour and to signifie to him that the souldiers being prest to attend the service onely untill the end of this present month, and then to return, they cannot see it their way to require them to continue any longer; if the Councill should not hold to their word it would be a discouragem^{t} to our souldiers to goe forth for the future, yet if there be occasion for an expedition that may be speedily prosecuted, and the capt^{n} and souldiers are willing to stay longer in order thereunto, they are contented that they should so doe, and that they shall be allowed the same incouragement for their further service as is at present allowed to them.

A letter drawn to send to Lieu^{t} Govern^{r} Stoughton, and a letter to Capt^{n} Will. Whiting, were read and approved in Councill.

Att a meeting of the Governour and Councill in Hartford, Octob^{R} the 11th, 1697.

The souldiers that were prest in the severall counties of Hartford, Newhaven, and Fairfield, for the assistance of his Maje^{ties} subiects in the Province of the Massachusetts Bay being returned home, the constables in the severall plantations where souldiers have been prest for the said expedition are hereby ordered by the first oportunitye to send to Capt^{n} Caleb Stanley commissary in Hartford, a p^{r}ticular and distinct account of all that the souldiers in the respective townes have recieved of the country before their going out, upon the account of their wages.

Att a Genrll Assembly held at Hartford, Octobr 14th, 1697.

Assistants:

The Governrs Honr,

Present,

Andrew Leet Esqr,	Caleb Stanly Esqr,
James Fitch Esqr,	Moses Mansfield Esqr,
Samll Mason Esqr,	John Hamlin Esqr,
Danll Witherell Esqr,	Jonathan Sellick Esqr,
Nathanll Stanley Esqr,	William Pitkin Esqr.

Deputies:

For Hartford, Jonathan Bull, Aaron Cook.
For Windzor, John More, Danll Haydon.
For Wethersfield, Robt Wells, Wilt Warner.
For Newhavē, James Heton, Samll Hemanway.
For Wallingfrd, Jno Merriman, Tho. Hall.
For Norwich, Richard Bushnell, Jno Tracie.
For Preston, Joseph Freeman.
For Glassenbury, Samll Hale.
For Midletow', Nathanll White; Samll Bidwell.
For Milford, Thomas Clerk, Sylvanus Baldwin.
For Norwalk, Mathew Marvin, Samll Hayse.
For Haddum, John Chapman, Danll Brayner.
For Farmington, Tho. Hart, John Jud.
For Stratford, Samll Hawlie, Benjan Curtis.
For Newlondō, James Averye, Samll Fosdick.
For Lyme, Wilt Eclie, Joseph Peck.
For Stoningtō, John Gallop.
For Saybrook, Nathanll Lynde, Nathanll Chapman.
For Stanford, David Waterbury, Samll Hoyt.
For Waterbury, Lieut Thomas Jud, Deacō Thomas Jud.
For Branford, William Malbie, Eleazr Stent.
For Symsbury, Serjt Wilcockson.
For Fairfield, John Wakeman, Nathanll Burre junr.
For Killinworth, John Griswold.
For Gilford, Josiah Rossiter, Abraham Fowler.

[288] *Persons nominated for election in May next:*

Colonell Robt Treat, Wilł Jones Esqr, Majr Genrll Winthrop, Samll Willis Esqr, Captn Andrew Leet Esqr, Majr James Fitch Esqr, Captn Samll Mason Esqr, Captn Danll Witherell Esqr, Nathanll Stanley Esqr, Captn Caleb Stanley Esqr, Majr Moses Mansfield Esqr, Captn John Hamlin Esqr, Majr Jonathan Sellick Esqr, Captn Nathan Gold Esqr, Wilł Pitkin, Esqr, Mr Thomas Hooker, Mr Joseph Curtis, Mr Jno More, Mr Richard Cristophers, Mr Henr Woolcutt.

List of Persons and Estates exhibited in this Court.

	Persons.	*Estates.* lls. s.		*Persōs.*	*Estates.* lls. s.
Hartford,	302	17253.15	Stratford,	140	09602.03
Killinsworth,	045	02533.12	Saybrook,	113	05584.13
Farmingtō,	112	07016.15	Norwich,	130	05858.07
Symsbury,	070	03160.00	Haddū,	084	03355.00
Windzor,	300	15880.14	Lyme,	086	04506.00
Wallingfrd,	075	04462.00	Fairfield,	150	11438.00
Midletown,	140	06126.00	Gilford,	125	07751.12
Waterbury,	042	01641.06	Greenwich,	076	03642.12
Woodbury,	064	02989.00	Stanford,	090	05292.05
Branford,	076	03972.00	Wethersfield,	220	10971.17
Newlondō,	220	10410.09	Milford,	162	10222.07
Glassenbury,	053	02462.10	Newhavē,	300	15642.10
Preston,	042	02192.00	Stoningtō,	103	05407.16
Norwalk,	110	05521.17			
	1651			1779	

This Generall Assembly by their free vote approved of the act of the Councill in their late sending of souldiers under the comand of Captn William Whiting for the assistance of his Majeties subiects in the Massachusetts Bay against the comon enemy, and granted to defray the charge of that expedition according as the Councill had inguaged.

The act of the Councill in ordering a quota of men to be raised in the severall townes in the countie of Newlondon to be listed under the comand of Captn Samll Fosdick was approved by this Court (it being for the defence of that countie in time of danger) and the necessary charge expended on that occasion to be defrayed by the countrey.

This Court considering that some Deputies doe depart from Court in a disorderly way before the Court is ended, for the prevention whereof it is ordered, that for the future no deputy shall depart from Court without liberty granted to him by the Court and entred upon record, and that the deputies shall be called over the last day of the Courts sitting, and all and every the deputies that shall be absent when called (not having the beforementioned liberty to depart) shall forfeit their salleries. And the Secretary shall give notice to the Treasurer of all and every such deputies so absenting, that caution may by him be given to the respective constables, not to pay them their salleries.

[289] Whereas the Court in October last did grant to the Assistants of this Colonie, to every of them a sallerie of ten pounds in currant money for the year ensuing and the fees that are paid at the Court of Assistants upon appeals from the countie courts in civill actions, they bearing their own charges except upon the election day, this Court doth now declare that the beforementioned sallerye shall be continued to them for the year ensuing the publication hereof, they attending the Courts as in the said act is mentioned.

Ordered by this Court that the Comissioners that are annually appointed in the severall townes of this Colonie shall continue in their places till new ones be chosen and sworn, and that to the words (in the comissioners oath) For the year ensuing, be adioyned, And untill a new be chosen and sworn.

Ordered by this Court and the authority thereof, that the severall constables in their respective townes throughout this Colonie, without expectation of any further order, shall warn all the freemen in their said towns to meet together yearly on the third Tuesday in September about nine of the clock in the morning, at some convenient place by them appointed, when and where they may first chose deputies to attend the Genrll Court in October next ensuing, and then every freeman in each town, there present, shall give in his vote or suffrage for twentie persons (their names being fairly written upon a piece of paper) whome he judgeth qualified to stand in nomination for election in May next, which votes or suffrages shall

be delivered to such Assistant, Comissioner, or Constable as shall inhabit in the town where such votes are given in, which Assistant, Comissioner, or Constable shall upon his office oath make entrie of the names of all such persons as the freemen have voted for, and the number of votes that each person hath, a copie whereof the said Assistant, Comissioner, or Constable in each town, shall send sealed up to the Gen^{rll} Assembly in Octob^{r} next following, by the Representative of the respective town: At which Assembly all the votes of the freemen of this Colonie shall be compared, and those twentie person[s] that shall have the greatest number of votes, shall be the persons whose names shall be returned to the severall townes to be the persons nominated to stand for election in May next ensuing, out of which number the Assistants shall be chosen. And all and every constable is to attend this order annually upon penalty of the forfeiture of five pounds to the publick treasurye for every time he shall neglect the same.

Whereas it is said in the lawe (title Military Affairs, folio 50) that the fines due to the train bands shall be improved for the mainteñance of drumes and colours &c, as an addition thereunto this Court doth order that in such places where the fines are not sufficient for the procurement of drumes and colours with what else is necessary and intended in the said lawe, that then they shall be procured at the proper cost and charge of such townes to which such train bands doe belong, unlesse there be any other way contrived amongst themselves for the gaining of such things wanting.

This Court grants a rate of four pence upon the pound to be levied upon all the rateable estate of this Colonie, to be paid either in currant money or in good and merchantable grain at the prizes following, viz. winter wheat at four shillings p^{r} bush^{ll}, rie at two shillings and sixe pence p^{r} bush^{ll}, indian corn at two shillings p^{r} bushell; and for defect of money to answer the money debts due from the Colonie the Treasurer is hereby impowered to convert the grain into money as need shall require.

And where the countrey is indebted onely ordinary pay, two thirds in money or in grain at the prizes before mentioned

shall answer the totall of such debts, which all Assistants and Comissioners are to take notice of and to sign bills for paym^t of such debts accordingly.

[290] Ordered by this Court that good and merchantable grain and porke in payment of the ministers rate shall passe at the prizes following, viz^d. the winter wheat at five shillings and sixe pence p^r bushell, rie at three shillings six pence p^r bush^ll, indian corn at two shillings and nine pence p^r bush^ll, pork at three pence $\frac{1}{2}$ p^r ℔: allways provided that the intent of this order is not to make void any agreem^t between ministers and people concerning the price of pay in their annuall salleries.

Ordered by this Court that those that have supplied the countrey with grain and provision (and no expresse p^rticular price aggreed upon) shall be allowed sixe shillings p^r bush^ll in currant money for good and merchantable winter wheat, and 3^s and sixe pence p^r bush^ll for good and merchantable rie, and 3^s p^r bush^ll for good and merchantable indian corn, 3^ll^s, 5^s, p^r barrell for good and merchantable pork, and 1^l, 15^s p^r barrell for good and merchantable beeff.

Capt^n Caleb Stanley, Maj^r Jonathan Bull, M^r Nathan^ll Lynde, M^r Josiah Rossiter, M^r Sam^ll Hawley, are desired and appointed by this Court, to take as good an account as they can come att of the debts due from this Colonie (which are not conteined in the account given in to the auditors) and to give it in to this Court as soon as possibly they can.

Voted and granted by this Court that the Governour shall recieve for his sallerie for this year one hundred pounds currant money.

It. That the Deputye Govern^r shall recieve twenty pounds currant money.

It. The Treasurer twenty pounds currant money.

It. The Secretary fifteen pounds currant money.

This Court grants to the Treasurer for his pains in travailing to the severall townes of this Colonie to make up accounts with the severall constables for this years rate, ten pounds in currant money.

This Court grants to Capt^n Nathan Gold fortye shillings in

money on account of his sallerye for his journey to Hartford to attend the publick service, at this present sessions, notwithstanding he was necessitated suddenly to return home.

This Court grants to Capt^{n} Caleb Stanley for his pains as Com̃issary for this year sixe pounds in currant money.

This Court grants to Capt^{n} William Whiting for his sallerye as Marshall for this year eleven pounds in money, and four pounds in money for his service as Com̃issary in the late expedition to the eastward.

Ordered by this Court that the Councill shall consist of the same members as formerly, according to the appointm^{t} of this Court in May last, and that the Governour and Councill shall have full power to raise men and to send them forth for the defence of this Colonie and the assistance of our neighbours if invaded, and to act in all affairs of emergency, with this limitation that they shall not part with any of our charter liberties or priviledges.

Voted and granted in Court that the Deputies salleries for this year shall be paid in currant money.

Ordered by this Court that the people inhabiting upon Quiñipaug River shall be and belong to the countie of Newlondon, and also that the new plantation situate to the westward of Norwich bounds shall be called Lebanō.

Att this Court the Govern^{r} in the name and with the consent of the Gen^{rll} Assembly did enstall the Serj^{t} Maj^{rs} of the respective counties of Hartford, Newhaven, and Fairfield and Newlondon, in their offices, viz^{t}, for Hartford, Maj^{r} Jonathan Bull; for Newhaven, Maj^{r} Moses Mansfield; for Newlondon, [291] Maj^{r} James Fitch; for Fairfield, Maj^{r} Jonathā Sellick; || declaring them to be Maj^{rs} of their respective regiments according to their commissions.

In answer to the petition of M^{r} Sam^{ll} Haise, this Court doth desire and appoint Maj^{r} Moses Mansfield, Maj^{r} James Fitch, M^{r} Will^{m} Malbie, M^{r} Josiah Rossiter, and Capt^{n} Thomas Clerk, they or the maj^{r} part of them, to be a com̃ittee to indevour an accomodation and aggreement between the townes of Fairfield and Norwalk, concerning their dividing line, and other matters of controversie, with reference to propertie of land; and

to make return of what they shall find or effect concerning the premises, to this Court in May next, that this Court may take further order therein, as they shall see cause. And this Court doth release the town of Norwalke from a fine lately imposed upon them by the countie court at Fairfield. The charge of the abovesaid comittee to be defrayed by equall proportion by the towns concerned.

Anna Wilcockson widdow and relict of Joseph Wilcockson late of Killinworth deceased, being aggrieved with the act of the countie court at Newlondon, June 6, 1683, concerning her interest in the reall estate of the said Joseph, whereby y^e^ said court did order that the said Anna should have onely one third part of the profitts of the reall estate of the said Joseph; which act being an abridgment of her iust right according to lawe, this Court doth declare the same to be void, and doe order that the said Anna shall have the one third part of the reall estate of s^d^ Joseph according to lawe to be to her during her natural life, y^e^ said act notwithstanding.

Marie Shipman, widdow and relict of Edward Shipman late of Saybrook deceased, informing this Court that she stands in need of provision for the necessary support of her life, and desiring that a supply may be ordered to her, out of the estate of her deceased husband, the Court having considered the last will and testament of the said Edward Shipman, doe declare that the true intent and meaning of the testator in the bequest of a remainder of his estate to the said Marie, as it may be rationally collected from his expressions relating to the said bequest, was that if the said Marie during the time of her widdowhood, should be brought to necessity, she should then have at her dispose for her necessary supplye some part of the estate to her bequeathed, and this Court being informed that there is a considerable quantity of personall estate that will remain, debts and legacies paid, part of which is grain yet undisposed of, doe order that the said Marie shall recieve thereof eight bush^lls^ of wheat, seven bushells of rie, and seven bushells of indian corn, and eight bush^lls^ of barley, and doe hereby require and impower the execut^rs^ to the said last will to deliver the same to her for the use aforesaid.

This Court appoints the first Wedensday in November next to be kept a publick day of thanksgiving throughout this Colonie. An order for the day of thanksgiving was read and approved.

This Court grants liberty and full power to Mrs Elizabeth Allin late wife of Mr James Allin, the reverent pastor of the church of Salsbury, deceased, (upon her petition) to make sale of such housing and lands in the town of Newhaven as belong to the estate of her deceased husband, the said estate in housing and lands being in a decaying and wasting condition; always provided that good security be given to the countie court in Newhaven for the preserving the produce of the said housing and lands for the heirs and legatees of the said Mr Allin when they shall come to age to recieve it.*

Ordered by this Court that the souldiers inhabiting in the township of Windzor on the west side of the great river be divided into two trainbands, those on the south side of the riveret to be one distinct trainband, and those on the north side of the riverett to be another distinct trainband, and those on the south side of the riverett are to be under the comand of Captn Tim. Phelps, Lieut Mathew Allin, and Ensign Newbury, and those on the north side to choose their own officers. Majr Jonathan Bull is desired and appointed by this Court to call them together to attend that work.

Captn Joseph Wadsworth was by this Court confirmed Captn of the train band in Hartford on the north side of the riverett, Ensign Zechariah Sanford to be their Lieut, and Mr Joseph Tallcott to be their Ensigne. All these are comissionated.

Upon the desire of Captn George Gates in consideration *in consideration* of his age and infirmitie of body, this Court dis- [292] charged him of his Captainship in || the town of Haddum, and Lieut James Wells was confirmed Captain of the train band in the sd town, Ensign Thomas Clerk Lieutent, and John Arnold their Ensign, and ordered that they be comissionated accordingly. *These are comissionated.*

* Her petition is in Priv. Controv. V, 58. Rev. James Alling, son of Roger of New Haven, was third minister at Salisbury, N. H. His wife was daughter of Rev. Seaborn Cotton.

Vpon the petition of Captn George Gates, Samll Omstid, Joseph Gates, with other of the inhabitants of Haddum dwelling on the east side of the great river, that they might have liberty to embody themselues in church estate on that side of the river, and to call and settle a minister among them, in order to their more comfortable enioymt of the ordinances of God, the Court not being fully satisfied of the ability of the town to maintain two ministers, made choice of Majr James Fitch, Captn Robert Wells, and Ensign John Chester, to view the lands on both sides the river, and to consider whether there be a sufficient quantity of land on each side of the river for accomodation of inhabitants, whereby each side may be capable of maintaining a minister and being a distinct society, and to make return to this Court in May next.

Upon the petition of Nathanll Burre senr and John Edwards, administrators to the estate of Mr Eliphalet Hill late of Fairfield deceased, in consideration that the personall estate of the said Mr Hill is not sufficient to answer the debts that are due from the said estate, this Court grants to the said administratrs full power to make sale of so much of the lands belonging to the estate of the said Mr Eliphalet Hill as they shall find to be needfull to sell for the paymt of the iust debts of the deceased.

Lieutent Francis Whitmore informing this Court that he hath disburst a considerable estate upon building a bridge over the ferry river att Midletown, and petitioning this Court to order that all persons that upon occasion doe make use of it for passage should be under obligation to pay toll, this Court see cause to deferre a full answer to his petition till their session in May next, and in the mean time give him full power to demand and recieve toll of all persons that shall make use of the bridge for passage, it being made sufficient for that use. The toll to be two pence a time for horse and man, and one penye for a man, no toll to be taken on the sabbath day for such as make use of it in passing to and from the publick assembly.

This Court appoints Majr Jonathan Bull equally to divide the train bands in Wethersfield according to the order of this Court in May last.

Joseph Tutle of Newhaven plaintiff contr Lieut James Beñet of Fairfield as secondary attorney for Joseph Blidenburge of Newyork defendt, by way of appeal from the iudgmt of the Court of Assistants held at Hartford May the 10th, 1697, which action came to the Court of Assistants by way of appeal from the countie court held at Newhaven the 2d Munday in November, 1696, which action and judgmt is thus entred in the record of the sd Court of Assistants: Joseph Blidenburg of Newyork merchant plaintiff, Joseph Tuttle of Newhaven defendt, the action an action of debt, due to the said plaintiff by obligation, debt with damage 100llls currant money of Newyork, with cost of court; in this action the iury at the Court of Assistants *in this action the jury at the Court of Assistants* find for this defendt 31l, 17s, 06d, in York money, and cost of courts, the Court accepting the verdict ordered judgmt to be entred accordingly, costs allowed at 4llls, 4s, 6d, York money; from this judgmt this plaintiff now brings his appeal. In this action this Court finds for the plaintiff costs of courts. Costs allowed at five pounds twelve shillings, whereof two pounds is cash, the remainder currant pay.

Whereas this Court Octobr the 8th, 1696, did grant to Lieut Thomas Leffinwell of Norwich and Serjt Jno Frinke with the rest of the English volunteers in the former warre a tract of land six miles square, to be taken up out of some of the con-
[293] quered land || with the conditions in the said act mentioned, the grantees having found a tract of land which they judge convenient for a plantation, upon their desire this Court appointed Captn Samll Mason, Mr Jno Gallop, and Lieut James Averie to be a coñittee to view the said tract of land, and to consider whether it be suitable for a plantation for entertainment of a body of people that may be able comfortably to carry on plantation worke, or what addition of land may be necessary to accoñodate a body of people for comfortable subsistance in a plantation way, and to make return of what they find to this Court in May next.

Att this Court Mr Joseph Freeman of Preston petitioned that an appeal might be granted to him from the iudgment of the countie court in Newlondon, the 3d Tuesday in September

last, in an action depending between himselfe and Majr James Fitch, pretending that an appeal in the said action was denyed him by the iudges of the said court; the Court having understanding of the matter apprehended that the failure of his appeal did proceed from a misunderstanding, and for ending of all dispute about that matter, the said Majr Fitch and Joseph Freeman mutually aggreed and inguaged to joyn issue in the aforesaid action at the next Court of Assistants, upon appeal of the said Freeman; and the said Freeman acknowledged himselfe bound in a recognisance of fortie pounds to the publick treasurie to prosecute his appeal to effect, and to answer all damages if he make not his plea good.*

This Court frees all the rateable estate of the Reverent Mr Jeremiah Peck, pastor of the ch. of Waterbury, from paymt of countrey rates for this year.

Joseph Rogers was plaintiff by way of appeal from the judgmt of the Court of Assistants, Octobr the 5t, 1693, Jonathan Rogers defendt, which action was an action of the case for entring into and taking possession of a house and other buildings and certain parcells of land lying in the genrll neck in said Newlondon, on the west side the harbour, which house and land became the said Josephs by deed from James Rogers senr, of Newlondon deceased, to a surrender of the said lands to yc said Joseph with necessary costs and damages of his deteiner, to the vallue of one hundred pounds; in this action the jury find for the defendt cost of court. This action is thus entred in the records of this Court Octobr 12th, 1693, and the juries verdict at the said Court of Assistants thereupon; the plaintiff and defendt then aggreeing to issue the controversie concerning the lands abovesaid by arbitration the action of appeal was then withdrawn, but this plaintiff pretending that forged evidences were improved before the arbitratrs to the procuring an award against him to his damage, this Court did release the plaintiff from his obligation to stand by the said award, and granted to Sarah Rogers, administratrix to the estate of the said Joseph Rogers, liberty to prosecute the

* *In the margin.* 'This controversie is ended by aggreemt between Majr Fitch and the executrs of Joseph Freeman.

appeal aforesaid at this Court, and now the said Sarah appears to prosecute the same as plaintiff contr the said Jonathan Rogers defendant. In this action this Court finds for the defendt the housing and land in controversie and costs of court. Cost allowed for this court at 1l, 10s, 00d.

Sarah Post the relict of John Post of Norwich, upon her desire, hath free libertie and full power granted to her with the consent of her overseers, to make sale of fourteen acrs of upland given to her husband by the said town of Norwich, for the necessary support of herself and children.

Libertye and full power is granted by this Court to Lieut James Bennett, Mr Nathanll Sherman and Susañah Hall, administratrs to the estate of Samll Hall, late of Fairfield deceased, for want of personall estate, to make sale of so much of the lands belonging to the said estate, as they shall find needfull to pay such debts as are due from it.

This Court grants to Mr Gurdon Saltonstall, the reverend pastor of the chh. in Newlondon two hundred acrs of land, provided he take it up where it may not be preiudiciall to any former grant to any town or prticular person.

Att this Court Nathanll Burre junr of Fairfield as attorney for Danll Burre, Danll Lockwood and Abigail his wife, children of Danll Burre late of Fairfield deccased, presented his petition exhibited in Court in May last, for relief against the settlemt of the estate of said Danll Burre deceased, according to the will exhibited in the Court of Assistants and approved. The settlment of the estate according to the said will remaining [294] unaltered, this Court doth now order that || two thirds of such estate as remains yet undisposed of by the said will shall be distributed to the eldest soñe, and one third part thereof to the eldest daughter of the said Danll Burre deceased.

Lieut Abraham Phelps is by this Court confirmed Captn of the train band in Windzor on the north side of the riverett, Mr Danll Hayden to be their Lieutent and Mr Adderton Mather to be their Ensign. *These are comissionated.*

Ordered by this Court that the printed books conteining Mr Saltonstals sermon at the Election be divided to the severall

counties proportionably according to the lists of the severall counties.*

The return of the comittee appointed by this Court in May last to compose the controversies between Owaneco and Abimeleck about the bounds of their lands is as followeth, viz:

By virtue of a comission to us granted by the Genrll Court in May last wherein full power was given to us to endevour a compliance or peaceable issue, between Owaneco and Abimelech, respecting certain parcells of land at or neer Lebanon, but notwithstanding our pains for the attainmt of the desired end, our indevours therein proved unsuccessfull. Having heard the pleas on both sides and deliberately considered the same, we doe therefore according to our said comission agree and determine as followeth, vizt, To begin at the northwest corner of Captn Jno Masons mile from thence to runne two mile to the southward, as that line runnes, then to run a due west line untill it intersect the east bounds of Saybrook mens land, given them by Joshua, which said west line shall be the dividing line between the said Owaneco and Abimelech, their heirs and assignes for ever, and all the land lying to the southward of the said west line, butting east on Captn Jno Masons mile, southerly and westerly on Hoccanum path and Saybrook mens land and north on the said west line, shall belong unto Owaneco, his heirs and assignes for ever; and all the land lying to the northward of said dividing line, butting west on Saybrook mens land, north on land belonging to Hartford men, northeasterly on Wallamantuck and Shetuckett River, southeasterly on Captn Jno Masons mile, and also all the land lying between Windham and Norwich bounds, called the Mameaquoge lands, both which parcells of land shall belong to Abimelech, his heirs and assignes forever; this to be a full and finall issue of the differences between the said parties respecting a certain parcell or parcells of land lying at or neer Lebanon. Given under our hands in Hartford, Octobr the 20th, 1697.

John Hamlin, John Chester,
William Pitkin, Willia Whiting.
Jonathn Bull,

* "A Sermon Preached before the General Assembly of the COLONY of Connecticut at Hartford in NEW-ENGLAND, May 13, 1697, Being The Day for Electing the GOVERNOUR, DEPUTY GOVERNOUR, and ASSISTANTS, for that COLONY. Published by Authority. Boston in New-England. Printed by B. Green and J. Allen, for Duncan Cambel, over-against the Old-Meeting House, 1697." The text was Ezek. xix. 14. There is a copy in the Conn. Historical Society's Library, which formerly belonged to Capt. Caleb Stanly.

The above written act of Capt^{n} Jn^{o} Hamlin and William Pitkin Esq^{r}, with the rest of the comittee thereunto subscribing was approved and confirmed by the Generall Assembly.

ATT A MEETING OF THE GOVERN^{R} AND COUNCILL ATT HARTFORD, DECEMB^{R}, 24th, 1697.

Present:
Colon^{ll} Rob^{t} Treat, Govern^{r},
Nathan^{ll} Stanley Esq^{r},
Capt^{n} Caleb Stanley,
Will. Pitkin Esq^{r},
Capt^{n} Jn^{o} Chester,
Lieu^{t} James Treat,
Maj^{r} Jonath. Bull,
M^{r} Jn^{o} Chester,
Eleazar Kimberly.

By order of the Lords Comissioners of Trade and Plantations the peace between his Majesty and the French King was this day published in Hartford.

Also Capt^{n} Joseph Whiting and Capt^{n} Cyprian Nicols with two more gentlemen from Newlondon wēre appointed by the Govern^{r} and Councill to goe to Boston to our agent Maj^{r} Gen^{rll} Winthrop, and in y^{e} name of the Govern^{r} and Councill to congratulate his safe arrivall from England into this country,* and to accompany him into this Colonie either to Newlondon or to some other place as the Maj^{r} Generall shall please to direct his journey.

The Governour and Councill also ordered Capt^{n} Joseph Whiting Treasurer, (with the advice of the other gentlemen appointed to accompanye the Maj^{r} Gen^{rll} in his journey from Boston) to provide what money may be needfull to defray the necessary charges that have been expended for our honrd agents passage from England, and since his arrivall at Boston, and for his return into this Colonie.

Capt^{n} Dan^{ll} Witherell and the Reverent M^{r} Gurdion Saltonstall were desired by the Govern^{r} and Councill to meet our honrd agent, and together with Capt^{n} Whiting and Capt^{n} Nicols to accompany him in his journey from Boston.

The gentlemen appointed to attend our honrd agent are also at the charge of this Colonie to provide three or four able horses to accomodate the Maj^{r} Gen^{rll} for his journey.

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* Gen. Winthrop writes that he had arrived at Boston Saturday, December 11th, in four weeks from the Lands End. He came eight days in company with Lord Bellomont, appointed Governor of New York, who he thinks should be congratulated as soon as might be after his arrival. The government of Connecticut is well in the King's favor, and under a good opinion with the Lords Commissioners of Trade and Plantations. He would wait upon the Governor so soon as he had dispatched some occasions in Boston and the season would permit, which is now very hard, and as soon as he could be supplied with horses, which are very difficult to be procured for a winter journey. For. Corresp. II, 64.

[295] Att a Genrll Court held at Hartford, Janr the 22th, 1697.

Present,

The Governours Honr,

Majr James Fitch,	Captn John Hamlin,
Capt Danll Witherell,	Majr Jonathan Sellick,
Nathanll Stanley Esqr,	Captn Nathan Gold,
Captn Caleb Stanley,	William Pitkin Esqr.

Deputies of the Court:

For Hartford, Majr Jonathā Bull, Mr Aaron Cook.
For Windzor, Mr John More, Mr Danll Hayden.
For Wethersfeild, Captn Robert Wells, Lieut Willt Warner.
For Midletown, Captn Nathanll White, Mr Samll Bidwell.
For Farmington, Captn Thomas Hart, Lieut John Jud.
For Saybrook, Mr Nathanll Lynde, Mr Nathanll Chapmā.
For Lyme, Captn Willt Eelie.
For Stanford, Mr David Waterbury, Mr Samll Hoyt.
For Killinworth, Mr John Griswold.
For Newlondō, Captn Samll Fosdick.
For Haddum, Captn Jno Chapman, Mr Danll Brayner.
For Symsbury, Mr Samll Wilcockson.
For Newhaven, Mr James Heton, Mr Samll Hemanway.
For Wallingford, Serjt Jno Merriman, Serjt Thomas Hall.
For Glassenbury, Mr Samll Hale.
For Norwalk, Mr Samll Hayse.
For Stratford, Mr Samll Hawley, Mr Benjn Curtis.
For Branford, Mr Willt Malbury.
For Fairfield, Lieut Jno Wakeman, Mr Nathll Burre.
For Gilford, Mr Abraham Fowler.

It is ordered by the authority of this Court, that for the future there shall be by this Court appointed in each countie in this corporation, three or four at least of the most able and iudicious freemen that shall be Justices of the Peace, which shall continue during the Courts pleasure; which justices shall have full power throughout the respective counties, to act according to commission given by this Court, and the lawes of this Colonie; three of which justices with a judge appointed

by this Court shall have power to hold the severall countie courts in each countie according to lawe here established. This to take place from and after the Gen^{ll} Court in May next, any former lawe or usage to the contrary notwithstanding.

Whereas oftentimes when upon complaint of mi[s]demeanors, persons being called to give evidence in cases that are of a capitall or criminall nature, or of breach of a penall lawe, doe refuse to give evidence therein, whereby justice in punishment of those that are offenders is hindred; for regulation whereof, and that justice may be promoted in such cases, be it therefore enacted by this Court and the authority thereof, that for the future, after publication hereof, whatsoever person shall be called by civill authority to give evidences in any such cases as aforesaid, and shall refuse to make answer so farre as he is capable to such questions as shall be demanded respecting the case in question, and also refuse to make oath that he will declare all and whatsoever he knowes or hath cognisance of respecting the case or matter in question, shall by the authoritye before whome he is called to give such evidence be comitted to the countie gaole, there to remain untill he will make oath that he will give evidence as aforesaid, and while [296] in ‖ prison to remain at his own cost and finding; alwayes provided that no person required to give testimonie as aforesaid shall be punished for what he doth confesse against himselfe when under oath.

That effectuall means may be used and improved for the preserving and promoting the peaceable and civill behaviour and good conversation of his Majesties subjects in this goverment, and for the preventing and suppressing of what is contrary thereunto, it is enacted by this Court and the authoritye thereof that the surety of the peace and good behaviour as the meritt of the cause shall require may and shall be granted by his Majesties justices against all and every such person and persons as by threatning words, turbulent behaviour, or actuall violence, or by any other unlawfull actions shall terrifie and disquiet any of the King's people, and also against comon barretors which frequently move, stirre up and maintain suits of law in court or quarrells and parts in the countrey, that

invent and sowe false reports whereby discord ariseth or may arise among neighbours; also against such as are of evill name and fame generally for maintaining or resorting to houses suspected to be houses of bawderye and incontinencie, also against night-walkers that be persons of evill fame or evill report generally, or that evesdrop mens houses, or that shall cast mens carts into ponds, or comitt other like misdemeanors or outrages in the night time; also against suspected persons that live idly, and against drunkard libellers, and any person that shall abuse a justice of the peace, constable, or other officer of the peace, in executing their office, and against such like offenders; and if any such persons shall refuse to give surety for the peace or good behaviour, it shall be in the power of any of the Assistants or Commissioners in this Colonie to comitt such persons to the comon gaole, there to remain till delivered according to order of lawe.

Complaint being made to this Court that the list of estate for the town of Newlondon is deteined by Lieu[t] Averye and John Hedgcom, whereby the rate cannot be made in order to defraying of publick charges; wherefore this Court doe order and impower the Secretary of the Colonie forthwith to issue forth warrant in the name of the Governour and Generall Assembly to the countrey or countie marshall or his deputie forthwith to make demand of the severall deputies of the said town or any person or persons to whome said list may be comitted for a deliverye of the same, and to make search in any place whatsoever for said list, and in order thereto to break open any doore or chest in any house or any other place where he may be informed the said list is *list is* likely to be found, and if any person to whome said list was delivered shall refuse to make return thereof upon the said officers demand, or with whome either of the said lists upon search shall be found, the said person forthwith shall be arrested and conveyed before the next Assistant or Comissioner, and every person that shall be found guiltye of wilfull and iniurious concealing of the said liste after demand thereof, shall pay a fine of five pounds to the publick treasurie of the Colonie, and be comitted to the gaole untill he shall pay the said fine or

give sufficient securitye to the said Assistant or Comissioner for payment thereof within such time as the said Assistant or Comissioner shall limit, with such damages as shall accrue thereby.

The hearty thanks of this Court was given to his Hon^r^ Maj^r^ Gen^rll^ Winthrop for his good service performed for this gov- [297] erment || in his late application to his Majestie on that behalfe.

Voted and granted in Court that the souldiers left in Boston that were taken sick in the late expedition under Capt^n^ William Whiting should have wages paid them by the countrey till the company was disbanded, and have their charges born of transportation and of enterteinment and cure till they were well, and that William Scovie that was wounded shall also besides the charges of his transportation, enterteinment and cure, have wages paid to him till the last of March next.

Voted and granted that Ensign Joshua Hogkis should recieve five pounds of the countrey in currant money, in consideration of a wound he recieved in the late expedition, whereby he finds himselfe disabled, and also be released from payment of rates to the countrey for his head for this present year.

Att this Court the Hon^ble^ Maj^r^ Gen^rll^ Fitz John Winthrop, Maj^r^ Jonathan Sellick and the Reverent M^r^ Gurdon Saltonstall are desired upon notice of the arrivall of his Excellencie the Earl Bellemont, to travail to Newyork, in the name of the Governour, Councill and Representatives of this Colonie, to congratulate the happie arrivall of his Excellencie; and if either of the said gentlmen should through sicknesse or otherwise be incapacitated for that service, the[n] the worshipfull Capt^n^ Nathan Gold is desired to accompanye the other two gentlemen and to joyn with them therein.

Vpon advice from the Lords Comissioners of the Councill of Trade and Plantations for an amicable agreement between this Colonie and the Colonie of Rhode Island concerning the bounds of the two Colonies, this Court made choice of the Hon^ble^ Maj^r^ Gen^rll^ Fitts John Winthrop, Maj^r^ James Fitch, Capt^n^ Dan^ll^ Witherell, and the Reverent M^r^ James Noise, they

or the majr part of them, to be a comittee whoe are hereby authorised and impowrd to treat with the persons that shall be deputed by the Colonie of Rhode Island, and by all such ways and means as in their wisdome they shall judge most convenient to indevour a fair and friendly settlement of the said bounds, and if need shall require with application to his lordship the Earl Bellemont for his assistance therein, according to the direction of the Lords Coñissioners.*

This Court desired the Honble Majr Genrll Fitts Jno Winthrop with the Assistants resident in Hartford and the Reverent Mr Woodbridge and Mr Saltonstall to draw a letter to send to the Lords Coñissioners of Trade and Plantations to signifie the receit of the letters sent to the Governr and Company from his Majestie and their Lordships, with their thanks to his Majestie for his grace towards this Colonie. The letter to be signed by the Secretary in the name of the Governr and Genrll Assembly.†

Ordered by this Court that the Councill appointed in Octobr last shall continue till the next sessions of this Genrll Assembly in May next.

Lieut John Cristophers of Newlondon informing this Court that he is damified to the suñe of seven pounds three shillings and sixe pence York money by the uniust sentence of the court at Newyork, upon pretence that the said Lieut Cristophers did contrary to the peace of our soveraign lord the King, arrest the body of one George Rascarriack who behaved himselfe in a violent manner in the town of Newlondon; this Court being sensible that the said Lieut Cristophers is a great sufferer in a just cause and for attending his duty in that publick capacitye where he was then inguaged, being constable of the town, doe order that the said seven pounds three shillings and sixe pence shall be repaid to him in currant silver money of Newyork, out of the publick treasurie of this Colonie, and the Treasurer is hereby ordered to make payment thereof.

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* In their letter of August 26, 1697. For. Corresp. I, 61, 64.

† The draught of the letter in the handwriting of Mr. Saltonstall is in For. Corresp. I, 68.

This Court acknowledging the good service that Hon^ble^ Maj^r^ Gen^rll^ Fitts John Winthrop hath done for the countrey in his late application to his Majestie on their behalfe, voted and granted to give his hon^r^ a gratuitye of three hundred pounds currant silver money.

This Court appoints the last Wedensday in February next to be kept a publick day of thanksgiving throughout this Colonie, to give thanks to God for all his goodnesse, in speciall the restoration of peace to the English nation, and the successe and safe return of our agent; and the Reverent M^r^ Woodbridge and M^r^ Saltonstall are desired to draw a bill for that end.

Capt^n^ William Whiting is desired and appointed by this [298] Court to goe into the || Province of the Massachusetts Bay to demand of M^r^ Thomas Holland and to recover of him satisfaction according to bond for moneys recieved by him of the said Capt^n^ Whiting as agent in behalfe of this Colonie, upon bills of exchange by the said M^r^ Holland charged upon M^r^ Jn^o^ Tayler merchant in England, the said bills of exchange being protested.*

Ordered by this Court that the Treasurer shall deliver to Capt^n^ Will Whiting twentie pieces of eight out of the publick treasurie to bear his charges in his travail and the design he goes upon, to be returned to the treasurie again upon the recoverye of satisfaction from M^r^ Holland for the failure of his bills of exchange.

The Hon^ble^ Maj^r^ Gen^rll^ Winthrop exhibited in this Court a letter from his Majestie to the Govern^r^ and Companye, bearing date Aprill 22^th^, 97, also one from the Lords Comissioners of the Councill of Trade and Plantations of Febr. the 9^th^ currant, and one from their Lordships of †

* The bond of Thomas Holland of New Castle, in the Province of New Hampshire, shipwright, to William Whiting for £611, 15, 4, Nov. 2, 1696, and his bill of exchange for £191, 3, 7, on Mr. John Taylor, merchant at Byfronts near Canterbury in Kent, in favor of Maj. John Fitz Winthrop or Mr. Saml. Reed, is recorded in Col. Rec. of Deeds &c. II, 258, 259.

† For. Corresp. I, 60. There is no letter from the Board of Trade either on file or recorded of the date of Feb. 9th, 1697–8. There is one from them of Feb. 23, 1697–8, accompanying the King's proclamation forbidding his subjects to enter into the service of foreign princes, and also requesting that copies of all the colony laws be transmitted. id. 99, 70.

His Honr also delivered in Court certain writing concerning the affairs of this Colonie, viz. his Honrs comission to solicitt the affairs of this Colonie with his Majestie and the Lords of his Councill, dated September the 2d, 1693, and his instructions of the same date, also a letter of creditt signd by the Treasurer for the supplye of his Honr, dated Octobr 25t, 1693, also a copie of the petition of Anne Dutchesse of Hamilton, and her claim to the Narragansitt countrey &c, his Majesties order of reference to the Councill of Trade of Aprill 23d, 97, with the case of Anne Dutchesse of Hamilton stated, presented to his Majetie Aprill 22th, 97, a memorandum delivered by the Earl of Arran to the Councill of Trade Aprill 29th, 1697, also Sr Francis Pembertons opinion of the case of the purchasers and proprietors in Narrogansitt, Narrogansitt petition and orders of the Councill thereupon, May 2d, 1695, a copie of a memoriall to the Councill of Trade referring to the Dutchess of Hamiltons petition.

This Court judging it very conducible to his Majesties interest and the comon benefit of his Majesties subjects in their speedy and comfortable passage over the river between Milford and Stratford, comonly called Stratford River, that another ferriman be appointed to transport travailers both horse and foot from the east side of the said river next Milford to the other side next Stratford, and from Stratford side towards Milford, at the place where the stated ferry now is, there being great complaints of trauailers against the said ferry as it is now mañaged, doe therefore hereby give full power and authority to the inhabitants of Milford to erect a ferry on the east side of the said river and to appoint a meet person to keep the same, furnished with a sufficient boat, and also (if they shall thinke meet) with a suitable cannowe for that service, who shall be allowed fare for that service according to law in that case provided and also have the free use of the accustomed wharf on Stratford side for landing and taking in of travailers as occasion shall require.

Whereas it hath been represented to this Court that there are severall great inconveniences arising in Newlondon in collecting the ministers rate, which the Court is desirous to

redresse, it is ordered by this Court and the authoritye thereof, that for the future it shall be the duty and office of the constable or constables of the said town to collect the ministers rate, who are hereby required to attend that work and to collect such rates for the future, for the doing of which the said constable or constables are hereby invested with the same power that the law invests them with for collecting of the countrey rate; which ministers rate so collected the said constables are hereby required to pay to the minister of the said place, and they are also hereby required in due time and season to make up their accounts of the rates so collected and paid with the assistant or comissioner of the said town, who is hereby impowred and appointed to demand and receive the said account, and the said constable or constables to be allowed two p^{r} cent. out of the said rate for his or their pains in collecting the same; and in case the said constables or either of them shall fail of their duty in either of the premises, they or either of them shall be lyable to the same penalties for their default which are by law incurred by the constables neglect of his duty in gathering the countrey rates and accounting therefore; and the Secretary is hereby required to issue out a warrant under his hand in the name of the Govern^{r} and Gen^{rll} Assembly to the said constable or constables to attend the worke aforesaid.

Att a meeting of the Govern^{R} and Councill in Hartford, March 12th, 169$\frac{7}{8}$.

Present:
The Govern^{rs} Hon^{r},
Nathan^{ll} Stanley Esq^{r},
Capt^{n} Caleb Stanley,
Will. Pitkin Esq^{r},
Maj^{r} Jonathā Bull,
Lieu^{t} James Treat,
Capt^{n} Rob^{t} Wells,

The Govern^{r} and Councill considering the hand of God upon his people in great sicknesse and mortality, and also in the sharpnesse and long continuance of the winter season, whereby the cattell and stock of the countrey is much wasted, and more are in danger of perishing,* doe appoint the fourth Wednesday in

* The year 1697 was a year of great scarcity and mortality. The summer was cool and cloudy,—not a month without a frost in it,—the winter very long and severe. In February and March [1697–8] the snow was very high and hard. There was a great cry for bread,—the cattle famishing in the yards for want,—the sickness very distressing and mortal. Those in health could hardly get fuel, and the sick and

Mr John More,
Mr Aaron Cook,
and the Secretry.

this instant month to be kept a publick day of fasting and prayer throughout this Colonie.

An order for a day of fasting was read and approved in Councill.

The persons by name appointed by his Majesty to administer oath to the Governour to take all due care that the late Acts of Parliamt for incouragemt of Trade and Navigation, and preventing Frauds &c, be duely observed, not being present, the Governr took the said oath in Councill, being administred to him by Nathanll Stanley Esqr, Captn Caleb Stanley, and William Pitkin Esqr, three of the members of the Councill.

Delivered to the Honrd Governr out of the office of record the duplicate of a letter from his Majestie dated Aprill 22th, 1697. *

Ordered by the Governr and Councill that copies of such writings in the office of record as may be usefull for the comittee appointed to treat with comissioners from Rhode Island about the Colonie bounds be forthwith sent to Majr Genrll Winthrop.

Voted and ordered in Councill that the twentye fuzees that were sent from the goverment in the Massachusetts Bay to Captn Samll Mason for the arming of the Indians to goe forth the sumer last past against the comon enemy, be returned to Majr Walley and the other gentlemē from whome they were received.

Ordered in Councill that the souldiers that were lately out under the comand of Captn Willia Whiting and that were helpfull with their horses to their fellow souldiers in their return home, should be allowed a piece of eight a man out of the Colonie treasure for the use and service of their horses.

Captn Samll Mason is desired and appointed by the Governour and Councill to joyn with the comittee appointed by the Generall Assembly to treat with the persons deputed by the Colonie of Rhode Island, in order to an amicable settlemt of the dividing line between the Colonies, and to assist in that service.

Sent to Newlondon the 16th instant by George Graves for the use of the comissioners appointed to treat with the Rhode Islanders, by order of the Councill, a letter directed to Majr Genrll Winthrop, also a copie of the old charter and the record of the purchase of Mr Fenwick, also the act of the Generall Assembly of the 22th of Janry last, impowering the comittee, Colonll Hutchinsons letter and papers, a copie of instructions formerly given to Mr Richards, a return to Marquesse Hamiltons claim formerly sent from the Genrll Assembly to Genrll Nickols, the Councills appointing Captn Mason to be one of the comittee.

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bury the dead. Many suffered for want of fire-wood and tendance. MS. of Gov. Roger Wolcott in Conn. Hist. Soc.

Mr. Saltonstall's election sermon in May, 1697, refers to the unseasonable frosts of late and to sickness. The epidemic was perhaps an influenza. Webster, History of Epidemics, I, 210.

* For. Corresp. I, 60. It relates to the enforcement of laws for the prevention of frauds in the plantation trade.

[299] Att a Court of Election held att Hartford, May 12th, 1698.*

Majr Genll Fittz John Winthrop was chosen Governr.
Colonll Robert Treat, Dept Governour.

Assistants:

Samll Willis Esqr,	Majr Moses Mansfield,
Captn Andrew Leet,	Captn John Hamlin,
Captn Samll Mason,	Majr Jonathan Sellick,
Captn Danll Witherell,	Captn Nathan Gold,
Mr Nathanll Stanley,	Mr Williā Pitkin,
Captn Caleb Stanley,	Mr Joseph Curtis,†

Captn Joseph Whiting, *Treasurer.*
Eleazar Kimberly, *Secretry.*

[300] *Representatives present:*

For Hartford, Majr Jonathn Bull, Mr Aaron Cook.
For Windzor, Capt. Abrahā Felps, Mr John Woolcutt.
For Wethersfield, Captn Robt Wells, Captn John Chester.
For Newlondon, Mr Richard Cristophers, Ensgn Nehemiah Smith.
For Saybrook, Mr Nathanll Lynde, Mr John Whitlsey.
For Lyme, Captn Will. Eelye, Ensign Joseph Peck.
For Derbye, Captn Ebenezr Johnson.
For Midltown, Captn Nathanll White, Samll Bidwell.
For Wallingford, Serjt John Merriman, Serjt Tho. Hall.
For Norwich, Ensign Richard Bushnell, Serjt John Tracie.
For Gilford, Mr Josiah Rossiter, Ensign Abrahā Fowler.
For Killinworth, Samll Buell, John Griswold.
For Rye, Mr Joseph Horton.
For Haddum, Captn George Gates, Danll Braynard.
For Stratford, Mr Richard Blackleech.
For Branford, Mr William Malbie, Captn Eleazr Stent.
[301] For Symsbury, Lieut John Higley, Samll Wilcockson.

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* And continued by adjournment to May 25th, post. merid. Windsor MS.

† William Jones Esq. now retired from the place of Deputy Governor, being about 74 years of age. To supply the vacancies occasioned by the promotion of Fitz John Winthrop and the non-election of Major James Fitch, Samuel Wyllys, who had been left out at the election of 1693, once more reappears, and Mr. Joseph Curtis was chosen.

For Waterbury, Lieut Tho. Jud.
For Stoningtō, Manassah Minor.
For Newhaven, Mr John Allin, Mr Jeremiah Osborn.
For Farmington, Captn Tho. Hart, Lieut John Jud.
For Norwalk, Samll Hayse.
For Woodbury, Tho. Minor.
For Fairfield, Ensgn Philip Lewis, Nathanll Burre.
For Glassenbury, Eleazar Kimberly.
For Milford, Captn Thos Clerk, Lieut Sylvanus Baldwin.

Whereas in the lawe concerning the Serjt Majrs power, in the printed lawes, page 51, it is said that it shall be in the power of the serjt majr and he is hereby ordered once a year to call all the comission officers of his regiment to meet at a time and place by him appointed, there to consult and consider together of the best way of mañaging of their militia affairs for the best advantage, this Court upon further consideration see cause to repeal that clause in the said law, viz, And he is hereby ordered, &c. and the same is hereby repealed and made void; and it is ordered by this Court that for the future it shall be in the liberty of the serjt majr by his discretion, as he shall see occasion, to call the comission officers of his regiment together for the end aforesaid, any former law or usage to the contrary notwithstanding.

There arising great inconvenience by the souldiers of perticular companies who upon disgust doe withdraw themselves from the company whereto they belong, and are listed into other companies and in perticular into the troop, whereby any one company may be dissolved; for prevention whereof it is enacted by this Court that no souldier shall withdraw himselfe from the company whereto he belongs to list himselfe into the troop or elsewhere without liberty from his chief officer or from the countie court, upon penaltie of the forfeiture of fortie shillings, which fine shall be to the use of the company to which he belongs.

Ordered by this Court and the authority thereof, that no petition shall be heard or considered by the General Court where any other person or persons are concerned in the estate or thing in controversie, unlesse he or they have been sumoned

as in other cases, and have also an attested copie of the petition given or offered to them at least five days before the petition [302] heard, and if upon the tryall of || the cause it doth appear that either the petitioners or the person or persons cited doe or have given the other any uniust trouble, the party wronged shall be allowed his iust cost and damages as in other cases.

For the prevention of frauds and other inconveniences respecting estates left by deceased persons, be it enacted and it is hereby ordered and enacted by this Court and the authority thereof, that for the future after publication hereof whatsoever person or persons shall have the custodie or possession of the estate of any deceased person in this Colonie, and upon demand of the select-men of the place or their order where such estate shall be, shall refuse to expose the said estate unto the view of the aforesaid select-men or their order as aforesaid in order to apprizall for inventory, such person or persons so refusing shall upon complaint or proof of the same made to any one assistant or justice of the peace in the place or countie where such delinquent doth reside, be by the said assistant or iustice of the peace committed to the common gaole, there to remain in close prison at his or their cost and charge untill he or they shall give in or tender a true account of the estate of the said deceased in his or their possession. And further all and every such person or persons as aforesaid that shall refuse to make oath to the account of such estate as they doe expose to apprizall as aforesaid, shall be imprisoned as aforesaid. And all apprizers of such estate beforementioned shall be under oath.

Also all persons in this Colonie that shall take upon them the work of administration upon the estate of any deceased person shall give bond to the satisfaction of the court that grants administration for a faithfull discharge of that work.

Complaint being made in Court that posts and other travailers meet with great difficultie in journeying as they passe through this Colonie, especially in the township of Stonington, which difficultie doth arise either for want of stated highways or for want of clearing and repairing highways where stated, and erecting and maintaining sufficient bridges where need

requires; for remedye whereof the select-men in each town in this Colonie situate in the accustomed roads are hereby required upon sight or publication hereof forthwith to take effectuall care that as convenient highways as may be for the advantage of posts and other travailers in their journeying as aforesaid be laid out through their severall townships, and being laid out that they be sufficiently cleared and made good with sufficient causeis and bridges as need shall require, to be always kept in good reparation according to lawe with marks erected for direction of travailers where ways part. And the said highways are to be always kept open unless such as passe through antient comon fields, or unlesse the Gen^{rll} Court or the countie court of that countie in which the highway is situate [303] order otherwise; || and where there shall be a necessity for enclosing any highway by this act intended (which is never to be done but upon the conditions and limitations beforementioned) in such case the said select-men are hereby required to take effectuall care that sufficient and suitable gates be sett up and maintained for the ease and conveniencie of travailers and carriers of burthens. And this order is to be attended and promoted by all persons concerned, in all the parts of it to effect within the space of one month after sight or publication hereof upon the penaltie of the forfeiture of ten pounds to the publick treasurie of this Colonie, and so ten pounds p^{r} year for ever after upon continuance of such default, to be levied upon the inhabitants of such town in generall or their select-men or other officers in whome default shall be found to the damage and losse of travailers, all defaults therein to be heard and determined by the respective countie court of that countie wherein such default shall be found, upon complaint or information there made and given in.

And the worshipfull Capt^{n} Sam^{ll} Mason, Capt^{n} Dan^{ll} Witherell, and Ensign Nehemiah Smith, are hereby desired and impowred upon the failure of the select-men of Stonington or any of the towns that are in the countie of Newlondon, by all lawfull ways and means, and at the charge of the town in which the highway lies, effectually to procure that the highways through the severall townships in the said countie be

speedily and effectually regulated for the convenience of travailers as is before directed.

Whereas complaint hath been made to this Court that some ferrimen in this Colonie, and in prticular those that keep Saybrook ferry, doe demand and recieve of passengers a greater sume for their ferrige then the law allows them, this Court considering the unrighteousnesse thereof and willing to prevent the same, doe order and enact that for the future every person that keeps a ferry in this Colonie who shall demand and recieve for the ferrige of a man and horse more then the law doth allow him for the same, he shall for every such default forfeit the sume of twentie shillings, one halfe to the complainer and the other halfe to the publick treasurie of this Colonie, provided it be complained of and prosecuted within one month after the offence comitted, any one assistant or iustice of the peace to hear and determine the same.

Whereas the killing of deer at unseasonable times of the year hath been found very much to the preiudice of the Colonie, great numbers of them having been hunted and destroyed in deep snowes when they are very poor and big with young, the flesh and skins of very litle vallue, and the increase greatly hindred: be it therefore enacted by the authority of this Court, that if any person or persons whatsoever within this Colonie from and after the fifteenth of Jan^ry one thousand six hundred ninetie eight till the fifteenth of July one thousand sixe hundred ninetye and nine, and so from the fifteenth day of January to the fifteenth day of July following annually forever hereafter, shall any ways whatsoever kill any buck, dowe, or fawn, such person or persons shall forfeit the sume of twētie shillings for the first offence, fortie shillings for the second offence, and three pounds for the third offence, and so for every offence after, one moietye thereof to the publick treasurie and the other moiety to him or them that shall inform or sue for the same in any court of record. And if any persons offending as aforesaid, shall not have wherewithall to pay their fines, they shall for their first offence worke ten days, for the second offence twentie dayes, and for the third offence thirtie dayes as shall be directed by the authority before whome the cause

shall be heard and determined, to be imployed for the uses aforementioned.

And if any venison, skin or skins of any buck, doe or fawn newly killed, shall at any time or times in the aforesaid months wherein they are by this act prohibited to be killed, be found with or in possession of any person or persons whatsoever, such person or persons shall to the intent of this act be held and accounted in the lawe to be guiltye of killing deer (con-
[304] trary to the intent of this act) || as fully as if it were proved against such persons by sufficient witnesse viva voce, except such person or persons doe bring forth who was the person, or who were the persons that killed the same.

The Deputies from the severall townes are appointed to informe the Indians of this lawe that doe inhabit in their respective townes, and to indevour to procure their consent and inguagem^{t} to observe the same, and to take the names of all those Indians that doe inguage their observance thereof.

Ordered by this Court and the authority thereof, that the law made Octob^{r} the twelfth one thousand sixe hundred and eightie two respecting the payment of debts in specie shall stand in full force, for all personall estate and land to passe by apprizem^{t}, according to the laws now in force.

Whereas in the law, title Impost, it is ordered that whatsoever wine or liquors are brought in and landed in any part or port of this Colonie, except what is landed for transportation, shall pay impost or custome as in the said lawe is appointed; this Court now orders that the said impost or custome ordered to be paid for wine and liquors, shall be paid onely for such wine and liquors as are brought from some port where such commodities are not raised, but such wine or liquors as are brought from the countreys where they are raised shall be free from such custome or impost.

Ordered by this Court and the authoritye thereof that there shall be paid to the publick treasurie of this Colonie for the support of the goverm^{t} and defraying the incident charges thereof an excise upon all wines, brandy, rhum, and other distilled liquors, cyder and metheglin, that shall be sold by retail in any town or place in this Colonie, by those that shall retail

the same, in manner and forme as is hereafter expressed, that is to say, for all wine, rhum, brandie and distilled liquors four pence p^r^ gallon, for all cyder twelve pence p^r^ barrell, for all metheglin two pence p^r^ gallon all in currant money of this Colonie, and after that rate for any greater or lesser quantities. And for the due and orderly collecting and recieving of the excise aforesaid it is hereby further ordered by the authority aforesaid, that all retailers of rhum, brandie, and other distilled liquors, wine, cyder, and metheglin, within this Colonie, having any of the said liquors in their respective houses or elsewhere belonging to them at the time of publishing this act, shall make due entrie and pay the duties aforesaid for the same as is hereinbefore mentioned, and upon their further receit and purchase of all or any of the liquors before mentioned, shall within twentie and four hours after the receipt or purchase thereof make entrie with such persons as are appointed to recieve and collect the same and pay the duties aforesaid under the penaltie of the forfeiture of such strong drinke or liquors as shall be found in any retailers house, not being duely entred and the excise paid as aforesaid. And it shall and may be lawfull for the officers appointed to enter into any retailers house in the day time so often as they shall think fitt or into any retailers cellar or warehouse to search for any such wines or liquors &c. [305] as are not duely entred nor the excise || paid for the same, and such wine and strong drink to seize and secure in order to a triall. Provided always that it shall be in the power of the officers appointed, to aggree with any retailer for the excise for one whole year, and to recieve it quarterly, as they in their discretion shall thinke fitt to agree. This act to continue and remain for one whole year and no more, any thing therein conteined to the contrary in any wise notwithstanding.

Ordered by this Court that the souldiers that belong to the train bands in the severall plantations in this Colonie shall not be compelled to train above four dayes in the year, any former law or usage to the contrary notwithstanding. And if any captain or other chief comission officer of any train band shall neglect to call his souldiers comitted to his charge together to

train them four days in the year, he shall forfeit the sume of fortie shillings for every days default.

Ordered by this Court and the authority thereof, that for the future no person that is a judge or justice of the peace sitting in countie court shall be clerke of the said court.

Whereas in an act past in this Court, May 14th, 1696, it is provided that all forreigners that come to trade in any part of this Colony, shall before the sale of their goods make entry, and pay two pr cent. to the publique treasury &c, for explanation of the said act, it is hereby declared by this Court and the authority thereof, that by the terme forreigners is intended and to be understood all persons that are not inhabitants in this goverment, and that clause in the said act requiring all such persons to pay two pr cent. is hereby repealed; and it is now ordered by this Court and the authority thereof, that for the future, all such persons coming into this Colonie to trade before sale of any goods shall pay twelve shillings and sixe pence pr cent. and no more for every hundred pounds worth of goods brought for trade, at the valluation in the said act mentioned, and so proportionably for greater or lesser quantities, one fift part whereof shall be to the person that enters the said goods and the remaindr to the countrey treasurye.

This Court desireth and appointeth the worshipfull Samll Willis Esqr, and Captn Caleb Stanley to return the thanks of this Assembly to the Reverent Mr Timothie Woodbridge for his great pains in preaching the election sermon.

This Court declared their approbation of what hath been acted by the Councill since Octobr last.

A letter bearing date March 7th, 1697, from Lieut Governr Stoughton was read in Court, also a letter from Mr Grindall Rawson to our Honrd Deputie Governour in behalf of Mr Sabin of Woodstock.

Also a letter from his Lordship the Earl of Bellomont, with a copie of a letter from the Lords of the Councill of Trade to his lordship.*

* The Earl of Bellomont arrived at New York April 2, 1698, having been driven off the coast by violent storms. In his letter dated May 6th, (Col. Bound. II, 148,) he thanks the Governor and Council for the kind welcome they had given him into this country, regarding the favor as much heightened by the appointment of three such

Ordered by this Court that the dividing line between the towns of Fairfield and Norwalk, aggreed upon and consented to by the comittees of the said towns, as appears by an instrument bearing date Decembr 14th, 1697, given under the hands and seals of the said comittees, shall be and remain forever to be the dividing line between the said towns. The above mentioned instrument is recorded at large in book number D., fol. 246, 247.†

Lieut Stephen Bradley was by this Court confirmed Captn of the train band in the town of Gilford, Ensign Abraham Fowler, Lieut, and Nathanll Stone Ensign, and to be comissionated accordingly.

Lieut John Higlye was confirmed Captn of the train band in the town of Symsbury, Ensign Tho. Barber Lieut, Serjt Samll Vmphries Ensign, and to be comissionated accordingly.

[306] Lieut James Judson was by this Court confirmed Captn of the trainband in the town of Stratford, Ensign Thomas Knowles Lieutennt, Serjt John Coe Ensign, and to be comissionated.

This Court frees Josiah Whitmore of Milford from all publick charge for his head in consideration of his lamenesse and disability of body.

Ordered by this Court, that William Scovie that was wounded in the late expedition to the eastward, shall be placed with some able surgeon and be maintained at the countrey charge till he is cured, and Captn George Gates and Mr Danll Brainard are appointed to take effectuall care that this order be attended.

This Court upon the request of the select-men of the town of Branford doe impower them with the advice and assistance of Peter and Francis Tyler of said Branford, to make sale of a house and barn with about halfe an acre of home lot belonging to Charles Tyler (who hath been for a considerable time and still remains a distracted man) for the paymt of his debts already contracted and for his further maintenance as need

worthy persons as Maj. Gen. Winthrop, Maj. Selleck, and the Rev. Mr. Saltonstall, as bearers of their letter. The letter from the Lords of the Council of Trade relates to the towns of Rye and Bedford, and the copy of it is in For. Corresp. I, 65.

† The original is in Towns and Lands, II, 66.

shall require, and to exchange halfe an acre of his home lott for as much land elsewhere adioyning to his home lott that may be convenient to build on.

Capt^{n} Nathan^{ll} White is by this Court appointed to joyn with Ensign William Cheenie in laying out to the heirs of the Reverent M^{r} Jn^{o} Woodbridge deceased the land formerly by the Generall Assembly given to him Octob^{r} 12th, 1671, the person formerly appointed to assist Ensign Cheenie being dead.

This Court confirmes Serj^{t} Sam^{ll} Wells Capt^{n} of the train-band in the town of Glassenbury, Serj^{t} Sam^{ll} Hale Lieu^{t}, and Ephraim Goodrich for their Ensign, and to be comissionated accordingly.

This Court grants liberty and full power to Elizabeth Holt, widow and relict of Joseph Holt late of Wallingford deceased, to make sale of twentie five ac^{rs} of unimproved land belonging to the estate of her deceased husband, for the payment of a debt due from the said estate.

Marie Morehouse of Fairfield, widdow, as she is administratrix to the estate of her deceased husband Thomas Morehouse late of the said town of Fairfield deceased, making application to this Court for liberty of making sale of some lands belonging to the aforesaid estate for the paym^{t} of legacies due from the estate of her said husband (as he was execut^{r} to his fathers last will) to some relations of his, and also just debts due from her said husbands estate, this Court grants her liberty with the advice of the countie court at Fairfield to make sale of so much of the said lands as will answer the said legacies and such debts as were contracted before the said Thomas his death, it being made to appear to the said court what they are before sale be made.

This Court made choice of Capt^{n} Sam^{ll} Mason, M^{r} William Pitkin, M^{r} John Chester, M^{r} John Woolcutt, M^{r} Will Malbie, to frame such bills as they shall judge needfull either for [307] emendation of || lawes formerly made, or for making other lawes that are now wanting in the goverment and to exhibit the same in Court.

This Court confirmes Lieu^{t} Jonathan Bell Capt^{n} of the train-band in the town of Stanford, M^{r} David Waterbury to be their

Lieut, and Mr Samll Hoyt to be their Ensign, and to be comissionated accordingly.

Auditors of the countrey accounts appointed are Mr Joseph Curtis for Fairfield countie, Mr John Allin for Newhaven countie, Captn Danll Witherell for Newlondon countie, Mr John Chester for Hartford countie. If any one of the said auditors should fail, Mr Willt Pitkin is appointed to supply his place.

This Court frees Danll Cone senr from paymt of rates to the countrey for his head.

Ordered by this Court that the souldiers inhabiting on the east side of the great river in the township of Hartford shall be a distinct trainband, and that the souldiers on the west side of the sd river be divided equally under the comand of the respective military officers. Majr Jonathan Bull is by this Court appointed to regulate the division.

Vpon the petition of the administrators of the estate of Thomas Aplegbee late of Woodbury deceased, this Court grants the said administratrs full power to make sale of his lands so farre as is needfull for the payment of his iust debts, there not being personall estate enough to doe it.

This Court grants liberty to William Rowlandson of Fairfield, as administrator to the estate of Benjmn Banks of the sd town of Fairfield deceased, to make sale of a parcell of land belonging to the said estate lying in a place called Sasqua field to the number of about three acrs.

It is ordered by this Court and the authority thereof that the ferry at Saybrook shall be allowed one shilling in money pr time for horse and man in the months of Decembr, Janr and February, and at no other time, notwithstanding any former lawe to the contrary.

A petition was exhibited in Court in the name of Abigail Burre, widdow and relict of Danll Burre late of Fairfield deceased, manifesting her dissatisfaction with the act of the Genll Court in October last, whereby they did order that two 3ds of such estate as did remain yet undisposed of by the last will and testament of the said Danll Burre should be distributed to the eldest sonne and one third part thereof to the eldest

daughter of the said Dan[ll] Burre, desiring the Court to explain their said act. The Court having considered the petition and pleas of the petitioner, doe declare that it is not the intent of the said act, neither is it to be understood or interpreted so as to barre the relict or any of the children of the said Dan[ll] Burre claiming interest in the said estate undisposed by will from a legall prosecuting their claim to the same or any part thereof in a due course of lawe, but they have freedome and liberty in that behalfe to all intents and purposes; and the widdow to remain in quiet possession of what was settled upon her by the Court of Assistants till eiected by lawe.

Vpon the desire of the military officers of the train band in Windzor and the souldiers on the south side of the riverett, this Court doth referre it to Maj[r] Jonathan Bull and the said military officers, if they doe judge it most conducible to peace, to direct and lead the souldiers of the said train band to a free choice of their officers.

There being some difficultye about the late choice of officers for the troop in the countie of Hartford, this Court doth hereby order Capt[n] Joseph Whiting Capt[n] of the troop, to call his troop together to a new choice.

This Court confirmes Lieu[t] Thomas Stoughton Capt[n] of the train band in Windzor on the east side of the great river, and Serj[t] Joshua Willes to be Lieu[t], and to be comissionated accordingly.

This Court, upon the desire of M[rs] Jemimah Chester, widdow and relict of M[r] Stephen Chester late of the town of [308] Wethersfield deceased, doth grant || to her full power to ratifie and confirme to John Francis of the said town two ac[rs] and a halfe of meddow land formerly sold to him by her deceased husband.

Capt[n] Timothie Phelps of the town of Windzor made his application to this Court by way of complaint against a late act of the townsmen of Windzor concerning their comon fence, bearing date Aprill 15[th], 1698, which said act he affirmed to be to his great damage and petitioned for relief against it. In answer to the petition of Capt[n] Timothie Phelps of Windzor, this Court doth order that the encombrance laid upon his land

by the selectmen of the aforesaid town shall be taken off, and doe hereby declare his said land to be under the circumstances which it formerly was, and this Court doth award the present selectmen as such to pay unto the said Captn Phelps the sume of twentie shillings in money for the cost of prosecuting his petition and the cost of his attendance in this Court.

Vpon sundry reasons given by Lieut Allin of Windzor, one of the selectmen, why Captn Phelps should not have his cost, this Court doth reverse their abovesaid award of twentie shillings to Captn Felps.

Lieut Mathew Allin desiring this Court to explain a clause in their late act in answer to the petition of Captn Tim. Phelps and his complaint against a late encombrance laid upon his land by the townsmen of Windzor wherein this Court did order his land should be under the same circumstances as formerly; in answer thereunto this Court doth declare that the true intent and meaning of their said order is that the said Captn Phelps his land should be under the same circumstances it was imediately before the agreemt last made between Captn Phelps and his neighbours about fencing their land which was exhibited in Court under hand and seal.

This Court appoints Mr John Woolcutt and Captn Abraham Phelps to take effectuall care that the field which is likely to be laid open by reason of the act of this Court wherein Captn Tim. Phelps was concerned, be secured by preserving and continuing the fence in the place where it now is for this present year, and whatsoever damage Captn Phelps shall sustein thereby shall be paid to him by the proprietors of the lands inclosed according to each persons proportion of improved land.

Ordered by this Court, that all those that doe now inhabit on the east side of the great river in the township of Windzor and those who shall hereafter inhabit there shall pay their equall proportions with the rest of their neighbours for the maintenance of the worship of God in that place so long as they shall there inhabit.

Vpon the advice of the Reverent Mr Chancie of Stratford, this Court grants licence to Mr Samll Wood of Danbury to practise phisick and surgerie.

Vpon the motion of Captn Thomas Hart of Farmington, this Court doth appoint Captn John Higley and Mr Samll Wilcockson, both of Symsbury, to lay out to the heirs of Mr Stephen Hart a tract of land granted to him by this Court May 8th, 1673.

This Court grants that the Reverent Mr Dudley Woodbridge [309] || pastor of the church in Symsbury, shall have two hundred acrs of the countrey land, and Captn Thomas Hart of Farmington, Captn John Higley and Samll Wilcockson of Symsbury are appointed and impowred by this Court to lay out the said land to him where it may not preiudice any former grant.

This Court confirmes Lieut John Chester Captn of the train band in Wethersfield at the south end of the town, Ensign Joshua Robbins to be their Lieut, and Serjt Jonathan Borman to be their Ensign, and to be comissionated.

This Court grants liberty to the Sunesquawe in Midletown to sell halfe an acre of her land in the said town to some inhabitant there.

This Court orders that a warrant be issued forth for the countie marshall to sett out and deliver to Lieut Mathew Allin of Windzor the one hundred pounds in land adiudged to him out of his fathers estate by this Court in May, 1697, according to the distribution thereof made by Mr William Pitkin and Mr Jno Chester by order of the said Court.

Vpon the return of the comittee appointed in October last to enquire into the abilitye of the inhabitants of Haddum to maintain two ministers, Captn George Gates appeared in Court to prosecute his petition formerly exhibited in behalf of the inhabitants of Haddum that dwell on the east side of the great river, that they might imbody in church estate in a distinct society; the said comittee informing the Court that they cañot find that the inhabitants of Haddum are able to maintain two ministers, doe not see cause to grant the said petition as yet, but doe advise the petitioners to indevour a loving and christianlike unitye with their brethren in the worship of God upon such termes as may be for their mutuall comfort.

Our Governour elect being returned from Newyork, our

Honrd Deputy Govern^{r} and Gen^{rll} Assembly made choice of Capt^{n} Dan^{ll} Witherell, Maj^{r} Jonathan Bull, Capt^{n} Caleb Stanley, and M^{r} Richard Blackleech, in their name to congratulate his safe return, and to signifie to his Hon^{r} their hearty desire of his presence, and to give him an honourable inuitation to come and take his place as our Govern^{r} in Generall Assembly.

The Hon^{ble} Maj^{r} Gen^{rll} Fitz John Winthrop taking his seat in the Gen^{rll} Assembly continued by adiournm^{t}, did May y^{e} 20th in the presence of the whole Assembly take the Govern^{rs} oath, it being administred to him by our Honrd Deputy Govern^{r}.

His Hon^{r} also took the oath required to be taken by all his Majesties Govern^{rs} in his plantations in America, to take effectuall care that the acts of Parliament concerning trade and navigation &c. be duely observed, being administred to him by three of the members of the Councill according to his Maje^{ties} comission bearing date May the first in the ninth year of his Majesties reign.

Capt^{n} Willi$\bar{a}$ Whiting is by this Court confirmed Captain of the troop in the countie of Hartford, M^{r} Dan^{ll} Hayden to be Lieu^{t}, M^{r} Thomas Wickham to be Cornett, and to be com̃issionated &c.

Jacob Deming having been sorely wounded in the countrey service in firing the great guñes in Hartford (by order from the Govern^{r} and Councill when the peace was proclaimed) whereby he hath susteined great losse and dam̃age, this Court orders that he shall recieve out of the countrey treasurye the sum̃e of ten pounds cash, to be paid to him by the treasurer in consideration of his losse and dam̃age susteined.

This Court grants to Capt^{n} Ebenezar Johnson sixe pounds in cash in consideration of money expended by him at Albanie out of his own estate to satisfie for dam̃age done by the souldiers under his com̃and when he was there, and also to satisfye him for the losse of a horse recieved of the treasurer in part of pay for his service, and afterwards recovered out of his hands at lawe in the countie court in Fairfield.

This Court upon the petition of Marie Burre, widdow and

relict of Sam[ll] Burre late of Fairfield deceased, give her full power to confirme the sale of the house and homelott of her [310] deceased husband, which was made by him in his || life time and for which he recieved a considerable part of the pay.

This Court grants full power to John Vmphries of the town of Symsbury, soñe of John Vmphries late of the said town deceased, to confirme a division of land and housing agreed upon and concluded between the said John Vmphries deceased and Sam[ll] Vmphries in the life time of the s[d] John Vmphries, and also to confirme a bargain of exchange of land formerly made between the said John Vmphries deceased and Peter Buel of the said town of Symsbury.

Lyberty was granted to M[r] Richard Cristophers May 21[st], by reason of his earnest occasions to withdraw to his own habitation. Capt[n] Ebenezar Johnson also had the same liberty granted to him.

Capt[n] Sam[ll] Mason is by this Court appointed to assist the committee formerly chosen to treat with the Rhodeislanders, also M[r] Richard Cristophers in the room of Maj[r] James Fitch.

Ordered by this Court that the Deputies that stay at the Court till the Court is ended shall be allowed two shillings and sixe pence p[r] day in cash for every day they shall attend after the ninth day of the Court.

This Court grants full power to Lydia Wilson, widdow and relict of John Wilson late of Hartford deceased, to confirme an exchange of land made between her deceased husband and Edward Cadwell of the said town in her deceased husbands life time.

Severall ministers in the countie of Fairfield declaring themselves unsatisfied with a late lawe concerning ministers mainteñance, this Court referres the consideration of the matter to the Gen[rll] Assembly in Octob[r] next.

A Coñission for the Justices was read and approved in Court, also the Justices Oath.*

* The form of the Oath for Justices of the Peace is found in the Stanly MS. with the acts of this session. It is as follows:—

You A. B. swear by the name of the everliving God that as Justice of the Peace in the county of H. according to the commission given, you shall dispence justice equally and impartially in all cases, and do equal right to the poor and to the rich after your

Voted, granted in Court that the justices power shall reach through the whole countie in which they are justices.

The Assistants and sworn Justices in the severall counties are by this Court appointed and impowred to administer the justices oath to those that are appointed to that trust in their respective counties; and Majr Moses Mansfield is appointed to take effectuall care that the justices of the countie of Newhaven be all sworn, and Captn Danll Witherell to take effectuall care that the justices in the countie of Newlondon be all sworn, and Captn Nathan Gold is appointed to take the same care concerning the justices in the countie of Fairfield, and the Worshipfull Mr Willis to take care that the justices in Hartford countie be all sworn.

Ordered and enacted by this Court and the authority thereof that the Marshall of this Colonie shall be called the High [311] Sherriff, and so reputed || to be to all intents and purposes, and the countie marshall in like manner the Countie Sherriff.

Justices appointed for Hartford Countie.

Mr Thomas Hooker,	Lieut James Treat,
Mr Jno Hains, *of the Quorū.*,	Captn Nathanll White,
Captn Danll Clerk,	Mr Eleazar Kimberly,
Mr Henr Woolcutt, *of the Quorū.*,	Captn John Higley,
Captn Tho. Hart, *of the Quorū.*,	Mr Joshua Riplye,
Captn John Chester, *of the Quorū.*,	Lieut Tho. Jud.

Justices appointed for the Countie of Newhaven.

Mr Tho. Trowbridg senr, *of the Quorū.*,	Captn Tho. Yale,
Captn Tho. Clerke,	Mr Jerem. Osborn,
Mr Josiah Rossiter, *of the Quorū.*,	Mr John Allin,
Mr Wilt Malbie, *of the Quorū.*,	Captn Ebenezr Johnson.

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best skill, according to law; and you shall not be of council in any quarrel that shall come before you: you shall not let for gift or other cause, but well and truly you shall do your office of justice of the peace in that behalf, taking only appointed fees; and you shall not direct or cause to be directed any warrant by you to be made to the parties, but shall direct it to the sheriff, his under sheriff, or other officers proper for the execution of the same in the county, or to some indifferent person; and this you shall do without favor or respect of persons: So help you God.

It is almost identical in form with the oath found in the revised laws printed in 1702, the most material difference being that in the latter, the word "Constable" is found before the words "or other officers proper for the execution of the same," and this may have been an omission in transcribing by Capt. Stanly.

Justices appointed for the Countie of Fairfield.

Lieut John Wakeman, *of the Quorū.*,
Captn James Olmstid, *of the Quorū.*,
Captn Mathew Sherwood,
Mr Samll Peck,
Mr Richrd Blackleech, *of the Quorū.*,
Mr Deliverance Brown,
Captn Jonathan Bell.
Captn John Minor,

Justices appointed for Newlondō Countie.

Mr Richard Cristophers, *Quorū.*,
Mr Tho. Stanton.
Captn Benjamin Bruster,
Ensig. Nehem. Smith,
Mr Nathanll Lynd, *of ye Quorum*,
Lieut Henr Crane,
Captn Wilł Eelie, *of ye Quorum*,
Mr Danll Taylor.
Mr John Tracie,

Wilł Jones Esqr is by this Court appointed Judge of the countie court in Newhaven countie, and in his absence Maior Moses Mansfield.

Nathanll Stanley Esqr is by this Court appointed Judge of the countie court in Hartford countie.

Majr Jonathan Sellick is by this Court appointed Judge of the countie court in Fairfield countie, and in his absence Mr Joseph Curtis.

Captn Danll Witherell is by this Court appointed Judge of the countie court in Newlondon countie; the judge with the justices of the quorum in ye countie or any three of them to keep the countie courts.

This Court referres it to the Governr and Councill to prepare against the next Generall Assembly a bill for the stating of fees belonging to the severall offices in this Colonie.

2. A bill for the regulating of courts of justice, both superior and inferior, respecting lawes and orders.

3. A bill for direction and limitation of the lawes of England, how farre to be in force here.

4. To prepare bills for the stating of methods for the raising of money for the defraying of the charge of the goverment and regulating of publick expences.

5. To consider of such other good lawes that may be for the good of this Colonie and that tend to the suppressing of vice

and incouraging of virtue, and for methodizing and regulating those already made.

This Court leaves it to the Governr to appoint and comissionate collectors for the gathering all the excise which shall grow due in the respective counties to the publick treasurie.

This Court doth order and appoint Mr Josiah Rossiter and Captn Stephen Bradley to lay out to Mrs Marie Elliott and Lieut Abraham Fowler of Gilford severall grants of land formerly granted to the Reverent Mr Joseph Elliott deceased, and to Mr John Fowler deceased, they attending the tenour of such [312] grants; also || grants of land to Deacon Wilt Johnson, Lieut Wilt Seward, Captn Jno Graves, and John Stone, or to the heirs of the said grantees, according to the tenour of the said grants.

According to his Majeties order a proclamation prohibiting his Majeties subiects to enter into the service of forreign princes and states, bearing date the 28th day of Janry, 1697, in the ninth year of his Majesties reign,* was published in Hartford, by Captn Wilt Whiting, High Sherriff of the Colonie, on the 25t day of May, 1698.

This Court grants full power to Ruth Clerk, widow and relickt of Joseph Clerk late of Hartford deceased, to confirme the sale of one acre of land being part of the homelott of the said Joseph Clerk and sold by him in his life time.

Ordered by this Court that it shall be in the power of the Governour, and in his absence of the Deputye Governour, with the advice of the Councill, and in the want of a sufficient number of Assistants to make a Councill, with the advice of such Assistants as shall be present, with so many of the Deputies as the Governr or Deputy Governr shall think fitt to call to Councill, upon any sudden exigent to raise men and to send them forth for the succour and relief of the neighbour Provinces of Massachusetts and Newyork, if invaded, and also to act in all affairs that concern the preservation of the rights and priviledges of his Majesties subiects in this corporation, prticularly respecting the differences with Rhode Island about

* Foreign Correspondence, I, 69.

the dividing line, [and] the composing any matters depending concerning the towns of Rye and Bedford.

Lieu^{t} Francis Whitmore petitioning this Court Octob^{r} last, informing that he hath disbursed a considerable estate in building of a bridge over the ferry river at Midletown and that he hath recieved but about fiftie pounds from perticular persons for the erecting of the said bridge beside what he hath recieved from the publick treasury, ordered to him out of the countrey rate, and said Whitmore renewing his petition at this Court that he may be reimbursed of his money laid out and expended or to have the benefit of the bridge in his own hands, making the same a toll bridge; this Court grants liberty to Lieu^{t} Whitmore to take toll for the bridge which he hath built, he returning the money which he hath recieved from perticular persons for the use aforesaid, and in consideration of all those which passe upon the countrey service, shall passe free, and also all ministers of the gospel to passe free on acc^{t} of what he hath recieved from the countrey, he the said Whitmore recieving but two pence for a man and horse for one time and one peñye a time for a single mans passage, and four pence for a team and cart, and said bridge to be free for passage on sabbath days; always provided the bridge be made sufficient for the uses aforesaid, before he shall take toll. All the fare stated to be paid in money, if in pay to be equivalent, he said Whitmore keeping the bridge in good repair, and this act not to hinder any perticular aggreement between the inhabitants of Midletown and Lieu^{t} Francis Whitmore.

Att a meeting of the Govern^{r} and Councill in Hartford, May 25^{t}, 1698.

The duplicate of the Pattent by order from the Govern^{r} and Councill being brought by Capt^{n} Joseph Wadsworth, and he affirming that he had order from the Gen^{rll} Assembly to be the keeper of it, the Govern^{r} and Councill concluded that it should remain in his custodie till the Generall Assembly or the Councill shall see cause to order otherwise, and the s^{d} duplicate was deliverd to him by the order of the Councill.*

* The duplicate charter of the Colony which was secured by Capt. Joseph Wadsworth of Hartford, "in a very troublesome season when our constitution was struck

Mr Will. Pitkin, Mr Timothie Woodbridge, and Mr Saltonstall, with the Secretary

[Here the Council Journal ends abruptly.]

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[313] Att a Generall Court holden at Hartford, Octobr the 13th, 1698.

Present,

The Governours Honr,
The Deputye Governrs Honr.

Assistants present:

Samll Willis Esqr,	Majr Moses Mansfield,
Captn Andrew Leet,	Captn John Hamlin,
Captn Samll Mason,	Captn Nathan Gold,
Captn Danll Witherell,	Wilt Pitkin Esqr,
Nathanll Stanley Esqr,	Joseph Curtis, Esqr.
Captn Caleb Stanley,	

Deputies present:

For Hartford, Captn Ciprian Nicols, Captn Aron Cook.
Windzor, Mr John Woolcutt, Captn Abraham Phelps.
Wethersfeild, Captn John Chester.
Fairfield, Lieut John Wakeman, Mr Nathanll Burre.
Farmington, Captn Tho. Hart, Lieut John Jud.
Stoningtō, Mr Robert Denison, Captn John Gallop.
Norwalk, Mr Samll Haise, Mr John Keeler.

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at," was safely kept and preserved by him until May, 1715. Finance & Currency, I, 82.

The original charter, which now hangs in the secretary's office at Hartford, is engrossed on three skins, the duplicate was written on two. So much of the duplicate as remains, being about three-fourths of the second skin, is now in the library of the Connecticut Historical Society, where it was placed by Hon. John Boyd, late secretary of this state.

In 1817, or 1818, while Mr. Boyd was preparing for college at the Hartford Grammar School, he boarded in the family of Rev. Dr. Flint of the south church. Coming in one day from school, he noticed on the workstand of Mrs. Bissell, the doctor's mother in law, a dingy piece of parchment covered on one side with black-letter manuscript. In answer to his inquiries, Mrs. Bissell told him that having occasion for some pasteboard, her friend and neighbor Mrs. Wyllys had sent her this. Mr. Boyd proposed to procure her a piece of pasteboard in exchange for the parchment, to which Mrs. Bissell consented. It was not, however, until six or eight years had elapsed that Mr. Boyd examined the parchment with care, when for the first time he learned what its contents were.

For Branford, Captn Eleazar Stent, Serjt Nathanll Foot.
Stratford, Captn James Judson, Mr John Burret.
Norwich, Mr John Tracie, Serjt Solomon Tracie.
Haddū, Captn John Chapman, Mr Danll Brainard.
Newlondon, Lieut Nehem. Smith, Captn Samll Fosdick.
Newhavē, Mr Jeremiah Osborn, Mr John Allin.
Stanford, Lieut Dauid Waterbury.
Midletown, Captn Nathanll White, Mr Samll Bidwell.
Bedford, Mr Zechariah Roberts.
Wallingford, Serjt John Merriman, Serjt Thomas Hall.
Milford, Mr Thomas Clerke, Lieut Samll Newton.
Gilford, Captn Stephen Bradley, Lieut Abraham Fowler.
Symsbury, Captn John Higley.
Rye, Captn Vmphrie Vnderhill.
Lyme, Captn Wilt Eelye, Lieut Abrahā Brownson.
Kenellworth, Mr Samll Buell.
Derby, Captn Ebenezr Johnson.
Saybrook, Mr Nathanll Lynde, Mr John Parker.
Preston, Mr Caleb Fobes.
Glassenbury, Eleazar Kimberly.
Waterbury, Lieut Thomas Jud.
Woodbury, Captn John Minor.

[314] *The list of estate and persons.*

	Estate. ll. s. d.	*Persons.*		*Estate.* ll. s.	*Persons.*
Saybrook,	06032.06.09	132	Greenwich,	03452.	080
Newhaven,	15890.07.00	310	Preston,	02356.	058
Farmingtō,	07051.15.00	114	Midltown,	06076.00	161
Hartford,	16900.00.00	293	Glassenbry,	02048.10	058
Windzor,	15908.09.00	290	Bedford,	01019.00	028
Wethersfield,	10498.12.00	212	Symsbury,	03032.05	076
Norwich,	05399.17.00	117	Kenelworth,	02785.00	050
Stratford,	09218.07.10	130	Branford,	03926.15	073
N. London,	09624.14.00	190	Waterbury,	01742.00	049
Stonington,	05542.17.06	096	Gilford,	07717.16	130
Haddum,	03338,04.00	090	Milford,	10116.16	175
Stanford,	05447.16.00	090	Lyme,	04171.18	072
Rye,	03136.18.00	056	Fairfield,	10939.09	150
Norwalk,	04983.02.03	100	Woodbury,	02974.02	072
Wallingford,	04862.00.00	080			
Darbye,	01863.10.00	040			

Persons nominated to stand for election in May next:

Majr Genrll Fitz John Winthrop Esqr, Colonll Robert Treat Esqr, Samll Willis Esqr, Captn Andrew Leet Esqr, Captn Samll Mason, Majr James Fitch, Captn Danll Witherell, Nathanll Stanley Esqr, Captn Caleb Stanley, Majr Moses Mansfield, Captn John Hamlin, Majr Jonathan Sellick, Captn Nathan Gold, Willt Pitkin Esqr, Joseph Curtis Esqr, Mr Richard Cristophers, Captn John Chester, Mr Tho. Hooker, Mr John More, Mr John Hains.

To the intent that comely order may be attended in this Assembly now convened to consult the solem̃ and weighty affairs that doe most neerly concern the peace and weal of his Majesties good and loyall subiects in this goverment, and that all confusion and disorder in speaking to any matter that may be in agitation may be prevented, it is ordered by this Court and the authority thereof, that it shall not be in the liberty of any member thereof to take it upon him to speak in this Assembly without liberty first prayed and granted to him by the Honrd Governour, or in his absence by the Deputy Governour; and if any person shall speak without such libertye prayed and obteined, he shall forfeit as a fine the sum̃e of one shilling in silver to be forthwith paid to the high sherriff (for the use of this Assembly) who is hereby required forthwith to levie the same.

[315] Whereas much dam̃age is done in com̃on fields, by those that inclose lands in such fields for pasture, through the insufficiencye of their fences, it is ordered by this Court and the authoritye thereof, that all such inclosures shall be sufficiently fenced for the securing of beasts that are put in there for pasture, to be viewed and judged by the fence-viewers in the township where such inclosures are; and if any person or persons whatsoever shall putt any horses, oxen, cowes, or lesser cattell to pasture in any such inclosure, which in the judgment of the said fence-viewers is not sufficiently fenced for the securing of such horses or cattell, or not by them judged to be sufficient, all such horses and cattell shall be as liable to be impounded as if they were loose in the open field. And if any horses or cattell that are put into any inclosure within a com̃on

field for pasture, shall break out and be found damage feizant in the comon field, the owners of such horses and cattell shall be liable to pay costs of poundage and damage as the law in any case requireth. This law is to take place in all common fields except where the proprietors shall otherwise aggree.

It is ordered by this Court and the authoritye thereof, that for the future this Gener^{ll} Assembly shall consist of two houses; the first shall consist of the Govern^{r} or, in his absence, of the Deputye Govern^{r}, and Assistants, which shall be known by the name of the Upper House; the other shall consist of such Deputies as shall be legally returned from the severall towns within this Colonie, to serve as members of this Generall Assembly, which shall be known by the name of the Lower House, wherein a Speaker chosen by themselves shall preside: which houses so formed shall have a distinct power to appoint all needfull officers, and to make such rules as they shall severally judge necessary for the regulating of themselves. And it is further ordered that no act shall be passed into a law of this Colonie, nor any law already enacted be repealed, nor any other act proper to this Generall Assembly, but by the consent of both houses.

It is ordered and enacted by this Court and the authoritye thereof, that the clause in the act passed May the 13th, 1697, concerning ministers maintenance, wherein it is provided that ministers salleries shall be paid in such specie, viz. wheat, indian corn, rye, and porke, and in such proportion and prizes of the species as shall from year to year be settled by the Generall Court for the payment of the ministers rate, be and hereby is fully repealed and made void, any thing therein conteined to the contrary in any wise notwithstanding.

Ordered by this Court and the authority thereof, that every justice of the peace in the countie wherein the offence is comitted, may and shall have power for the enquirye and removing of forcible entries and deteiners, therein to proceed according to the rules and methods in such case provided by the lawes of England.

This Court grants a rate of two pence upon the pound to be levied upon all the rateable estate in this Colonie, and to be paid in currant silver money.

Voted and granted by this Court that the south line of Norwich bounds shall stand as it is entred in Norwich deed from Vncas in the year 1659, and the other three lines to ruñe streight from corner to corner, confirming all the lands within the said boundaries unto the town of Norwich.

Ordered by this Court and the authoritye thereof that there shall be a new coñission given to the justices of the quorū, appointing and impowering them or any three of them, in the absence of the judge coñissionated to keep the countie courts, to keep the said court; the first nominated in the coñission still to preside.

It is also ordered by the authoritye aforesaid that the judge appointed to keep the said countie courts, with two of the justices of the quorum, shall keep the court for the probate of wills, granting administration, and appointing and allowing of guardians, with full power to act in all matters proper for a prerogative court; except in Fairfield countie, where Captain Nathan Gold with two of the justices of the quorum in that countie is by this Court appointed to keep the said prerogative court in the s^{d} countie of Fairfield. And it is also ordered by this Court that in the absence of the judge it shall be in the power of three of the justices of the quorū in their respective counties to keep the said prerogative court, and the first in [316] nomination in the coñission always to preside. And the || said prerogative court to have full power to appoint all officers needfull and proper for the said court. And if any person be aggrieved with the determination of the said court he shall have liberty of appeal to the Court of Assistants.

This Court coñitts the whole care and charge of the fort at Newlondon to the wise conduct of our Honoured Governour, desiring his Honour to give order that the same be sett into good repair and well furnished with all necessaries for the Colonies service, the whole charge thereof to be defraied out of the publick treasurye.

Ordered and enacted by the authority of this Court, that from henceforward every deputye or representative of the Generall Assembly shall be allowed three shillings in money for every day of his attendance and sitting in the s^{d} Assembly;

and that the deputies of the countie of Fairfield shall be allowed after the same rate for three days in their coming to and going from the said Assembly, and the deputyes of the countie of Newhaven after the same rate for two days in coming to and going from the Assembly, the deputies of the countie of Newlondon shall be allowed after the same rate for three days for their coming to and going from the said Assembly, and the deputies of the countie of Hartford shall be allowed for one day after the same rate in their coming to and going from the s[d] Assembly; their salleries respectively to be paid out of the countrey treasurye. And it is further enacted by the authoritye aforesaid, that at the opening of the said Assembly the Secretary shall every morning, from day to day during the whole sessions, in open Assembly call ouer the names of the severall deputies of the respective townes in the Colonie and note those that are absent when called, who if the[y] enter not their appearance within one hour after they are called, they shall loose their salleries for that day, and for such their absence shall be further lyable to be fined by the s[d] Assembly for their neglect, not exceeding the sume of ten shillings for one dayes neglect, to be paid to the publick treasurye; always provided [those] that have obteined leave from the Assembly to be absent shall onely forfeit their salleries for the time of their absence.

Whereas Enoch Drake of the town of Windzor deceased, did in his life time exchange ten acres of woodland in the township of Windzor, at or neer the place comonly called the Clay bridge, with Thomas Gillett of the said towne for three ac[rs] of land in the said township in the meddowe comonly called or known by the name of M[r] Phelps his meddow, but the said Enoch Drake did not confirme the said exchange by deed in his life time: this Court therefore upon the petition of Sarah Drake, widdow and relict of the said Enoch Drake, doth give her the s[d] Sarah as full power to confirme the said bargain of exchange as the said Enoch Drake had in his life time, and to give and recieve authentick deeds thereof enterchangeably as effectuall to all intents and purposes as if done by the said Enoch.

Ordered by this Court and the authority thereof, that a printed book of the lawes of this Colonie, with such of the manuscript lawes as were in force before the sessions of this Court as the Governour and Councill shall see meet, be sent to the Lords of the Councill.

Whereas the Generall Court Octob^{r}, 1692, ordered that the inhabitants and proprietors of Windham should raise all their town charges on their lands till further order, and the inhab-
[317] itants of the said town || have now aggreed that each allotment in their township should be vallued at thirtie five pounds, and all persons and other estate should be rated according to list, and praied this Court to confirme the said aggreement: it is ordered by this Court and the authoritye thereof, that the rates for the payment of the minister and other town charges shall be levied on the land, persons and other estate within the said township of Windham as is above expressed, untill further order, any lawe, usage or custome to the contrary notwithstanding.

Ordered by this Court and the authoritye thereof, that all the proprietors of lands in the township of Bedford shall pay three pence p^{r} acre for all the land which they doe possess in the said township, whether it be upland or meddow, improved or not improved, which three pence p^{r} acre shall be for the mainteñance of the ministrie in the said towne.

Lieu^{t} Sam^{ll} Newton is by this Court appointed Capt^{n} of the eldest train band in the town of Milford, Serj^{t} Joseph Plott to be their Lieuteñant, and Serj^{t} Joseph Treat to be their Ensign. And Serj^{t} Sam^{ll} Camp to be Lieu^{t} of the second company in the said town of Milford, and Serj^{t} Jobamah Guñ to be their Ensign; and all the military officers are to be coñissionated accordingly.

Ensign Richard Bushnell is confirmed by this Court Lieu^{t} of the train band in the town of Norwich, Serj^{t} Solomon Tracie to be their Ensign, and to be coñissionated &c.

M^{r} Aaron Cook is by this Court confirmed Captain of the train band in the town of Hartford at the north end of the town, Ensign Joseph Talcott Lieu^{t}, and Sam^{ll} Gilbert Ensign, and to be coñissionated.

Liberty and full power is by this Court granted to Miriam Gillett of Windzor, widdow and relict of Jonathan Gillett deceased, to confirme to Cornelius Gillett of the said town about five or sixe acrs of marsh land, which the said Jonathan Gillett sold to him the said Cornelius in his life time.

This Court grants to Josiah Barber of Windzor one hundred acrs of land, in consideration of his former good service for the countrey in the Indian warre, and in consideration of his charges in time of sicknesse contracted by hard service for the countrie. The said land to be taken up where it may not be preiudiciall to any former grant.

Mr Roger Pitkin is by this Court confirmed Captain of the trainband in the town of Hartford, on the east side of the great river, Jonathan Hill Lieuteñant and John Pitkin Ensign, and to be coñissionated &c.

Libertye and full power is by this Court granted to Māie Rogers of Newlondon, widdowe and relict of Jonathan Rogers late of the said town of Newlondon deceased, by deed under her hand and seal, to confirme unto William Bebee of the said town and to his heirs forever, two lotts of outland in the generall neck in the town of Newlondon aforesaid, which was sold and delivered unto the said William Bebee by the said Jonathā Rogers in his life time.

The coñittee formerly appointed by this Court to treat with the Rhode Islanders and according to the advice of the Lords of the Councill, to indevour an amicable aggreement with them concerning the bounds of the two Colonies, informing this Court what steps they have taken in that affair in order to a settlment of the said line, this Court manifested their acceptance and approbation of the methods by them taken, with their desire and expectation that they should proceed therein, untill the Generall Court order otherwise. And the Reverent Mr Gurdon Saltonstall who hath formerly been improved by the Honrd Governr and Councill, is now desired and hereby impowered by this Court to assist the said coñittee in that service.

Majr Edward Palmes of Newlondon exhibited a petition in the Generall Court, as legatee to the estate of the Honrd John

Winthrop late Governour of this Colonie, by force of the last will and testament of the said John Winthrop and his marriage with the daughter of the testator; in his petition complaining that a full inventory of the estate was never exhibited, [318] praying this Court || that such of the executors as have the estate in their possession may be ordered to give in an inventory upon oath of all the estate of their fathers which he died possessed of, or did belong to him, or that hath come into their or either of the execut^rs hands since the testators death, and what they have sold thereof, and what debts they have paid, that the residue may be divided among the legatees according to the intent and direction of the will. The Court having considered the pleas of the petitioner Maj^r Edward Palms, and the replies of the hon^ble execut^rs present, Fitz John Winthrop and Wait Still Winthrop, doe not see cause to grant his petition, and doe declare that they doe not see that the said Maj^r Palmes hath any right or claim to what he moves for in his petition, his wife, the daughter of the testator being dead, in whose right he claims, and the claim of the petitioner being determined by the overseers according to the will, and therefore refuse to grant what he petitions for, but doe adiudge him to pay costs to the execut^rs. Costs allowed at two pounds ten shillings.

Vpon the motion of Fitz John Winthrop Esq^r, Govern^r &c. and Maj^r Gen^rll Wait Still Winthrop, this Court appoints and impowers Capt^n John Hamlin, M^r William Pitkin, Capt^n Will Eelye, to be a com̃ittee, giving them full power and authoritye to find out and renew the bounds of a tract of land purchsed by John Winthrop Esq^r, late Governour of this Colonie, of Allumps alias Hyenps and Aguntus, Indian sachims; which tract of land is situate in a place com̃only called Quinnibaug; always provided that if any one of the aforesaid com̃ittee should fail, then either Capt^n Sam^ll Fosdick, or M^r Nathan^ll Lynde to supplye his place. The com̃ittee above mentioned to make return of what they shall find or effect concerning the premises to this Court in May next.

Lieu^t Francis Whitmore complaining that notwithstanding what hath been already done by this Hon^rd Generall Assembly

for him in order to satisfie and reimburse his cost and charge upon the stone bridge which he hath built at Midletowne, he is not still like to be satisfied and paid nor benefited as might be expected, but rather to incurre great losse and damage by his undertaking therein: Now that he the said Francis Whitmore may be satisfied and benefited by the said bridge and not damified but incouraged,

It is ordered by this Court and the authority thereof, that from and after the last day of this present instant October, he the said Francis Whitmore, his heirs, execut^{rs} or assigns, shall and may have and hold the said bridge by him built at Midletown as aforesaid, and shall have and receive the fare of two pence money for each time for horse and man and load, and one pennie a time a single person, unlesse where persons shall otherwise aggree, forever, of and from all and every person using and passing over the said bridge from and after the said last day of this instant October aforesaid (except the magistrates and ministers of this Colonie, representatives of the Generall Assembly, posts and souldiers in the Colonie service,) the said Francis Whitmore reimbursing those p^{r}ticular persons that have freely contributed towards the building of the bridge, and allowing them free passage till the money given by them for that use be repaid, and keeping a sufficient ferrye furnisht with a good boat for the transporting passengers when the waters are so high that there is no passing over the said bridge; the said Francis Whitmore inguaging to finish the bridge aforesaid within the space of one year after the last of this instant, unlesse by some inevitable providence prevented, and keeping the same always in good repair for safe and comfortable passage.

[319] M^{r} James Beebe is by this Court appointed Justice of the Peace in the countie of Fairfield.

M^{rs} Sarah Rogers of Newlondon presented a petition in this Court for another hearing of a controversye about land formerly depending between Joseph Rogers and Jonathan Rogers of Newlondon aforesaid; the petitioner not having attended law in sumoning the persons concerned to appear,

this Court declare that they doe not see cause to consider her petition.*

Whereas Andrew Ward of Midletown by reason of discomposure of mind and distraction is altogether uncapable of taking any care of his estate, or demanding and receiving any debts that are due to him, and whereas there is a debt of fortie one pounds in cash due to him from his kinsman Andrew Ward of Keñelworth, this Court doth appoint his mother Mrs Mary Gilbert, to demand and if need be to sue for, and to recieve the said fortie pounds of the said Andrew Ward of Kennelworth, and upon receit thereof to grant acquittance and discharge to effect; and all this to doe either by herselfe or by her order or attorney.

Mr Richard Edwards moving this Court to correct an error in a record of a judgment of the countie court held at Hartford Novembr 1st, 1681, in a case then depending between Mr Eldred and Mr John Higlye, the Court having heard and considered what hath been presented by Mr Edwards, doe referre the matter to farther consideration in this Court in May next.

Whereas Majr Moses Mansfield, Mr Jeremiah Osborn, and Mr John Allin, held a court in Newhaven the thirtieth of September last, where certain causes were heard, depending between Mr William Hoadley of Branford, and Mr Richard Blackleech of Stratford, and the said Hoadley and Dugall Makenzie of Fairfield, a question being propounded whether the said court were constituted according to lawe, this Court returns answer in the negative.

This Court grants free libertie to the inhabitants of Preston to imbody themselves in ch. estate, with the consent of neighbour churches, and to call and settle an orthodox minister to dispence all the ordinances of God to them.†

Mr John Allin and Mr Jeremiah Osborn justices of the

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* Her petition is in Private Controversies, V, doc. 110. From the memoranda subjoined to it, it would seem that the General Assembly sat as two separate houses at this session, and that William Whiting was clerk of the lower house.

† The petition of the selectmen, Jonathan Tracy, John Park, John Starkwether, and Caleb Fobes, in behalf of the town, is in Ecclesiastical I, 140. They represent that Mr. Salmon Treat labors among them in the work of the ministry to general satisfaction.

peace in the countie of Newhaven, are also appointed to be Justices of the Quorum.

Capt^{n} Mathew Sherwood justice of the peace in the countie of Fairfield is by this Court appointed to be Justice of the Quorum.

Whereas M^{r} Richard Blackleech of Stratford did at the countie court held at Fairfield in Aprill last recover a judgment against Wilł Hoadleye of Branford, from which judgment s^{d} Hoadlye did enter appeal to the Court of Assistants, but upon the inguagement of the said Blackleech to referre all matters of contest between them to arbitration, the said Hoadlye withdrew his appeal, and their design of issue by arbitration failing through the disaggreement of the arbitrat^{rs}, the said Wilł Hoadlye complains that he is in danger of execution upon the s^{d} judgm^{t} of Fairfield court, and also deprived of the benefitt of his appeal, and craves relief of this Honrd Court. This Court having considerd his complaint doe hereby forbid all execution to passe upon the judgment aforesaid untill the said Wilł Hoadlye hath had a 2^{d} hearing in court; and this Court doth grant him free liberty to prosecute his appeal at the Court of Assistants in May next, he sum̃oning the said M^{r} Blackleech to appear at the said Court of Assistants to answer him upon his s^{d} appeal, the said Wilł Hoadlye giving sufficient securitye to prosecute his appeal to effect and to answer all dammages if he make not his plea good. M^{r} John Elliot as attorney for M^{r} Hoadlye acknowledgeth himselfe bound in a recognisance of fortie pounds currant silver money to the publick treasurye of this Colonie, to prosecute this appeal to effect and to answer all dam̃ages if he make not his plea good.

This Court gives to Jedidiah Andrews of Newhaven who was out under the com̃and of Capt^{n} Wilł Whiting in the late expedition to the eastward, in consideration of his losse by reason of sicknesse in that service, the sum̃e of four pounds in currant silver money out of the publick treasurye.

This Court grants Ensign Joshua Hodgkisse of Newhaven in consideration of his continued weaknesse in his wounded

arme, the sume of five pounds in money to be paid to him out of the countrey treasurye.

This Court appoints Nathan[ll] Bissell of Windzor to keep the ferry at Scantick to transport passengers over the great river, to take the same fare that is allowed to the ferry at Hartford.

[320] This Court appoints Capt[n] Stephen Bradley and Lieut Abraham Fowler to lay out to John Johnson of Norwich fiftie ac[rs] of land according to the ten[r] of his grant May the 14[th], 1696.

This Court appoints Deacon Palmer and Ensign Ephraim Minor to lay out to the heirs of Capt[n] John Gallop the three hundred ac[rs] of land granted to him by this Court, according to his grant.

This Court appoints Lieut Mathew Allin and Sam[ll] Rockwell to lay out to Josiah Barber the land given him by this Court, according to his grant.

M[r] Nathan[ll] Chesbrook is by this Court confirmed Lieut of the train band in Stonington, and M[r] William Denison to be their Ensign, and to be comissionated. And Dan[ll] Symkins to be Ensign in Bedford.

Sam[ll] Crosse is by this Court confirmed Lieut of the train-band in the town of Windzor on the north side of the riverett.

Vpon the request of Lieut Tracie that this Court would view their pattent of the town of Norwich, and find out the true lyne or square of their town in a new pattent prepared to be signed, this Court order that M[r] John Hamlin, M[r] Wilt Pitkin to view the said new patten drawn and prepare it for the Govern[rs] signing.

This Court grants to Thomas Hall of Wallingford fiftie ac[rs] of land in consideration of his fathers service in the Pequott warre, to be taken up where it may not preiudice any former grant. Capt[n] Thomas Yale and Serj[t] John Merriman are by this Court appointed to lay out this land according to the grant.

This Court grants to Serj[t] John Merriman of Wallingford fiftie ac[rs] of land in consideration of his fathers service in the Pequot warre, to be taken up where it may not preiudice any

former grant, and Captn Thomas Yale and Serjt John Merriman are appointed by this Court to lay out this land according to the grant.

This Court confirmes to Ebenezer and Samll Parsons a grant of fiftie acrs of land formerly by this Court made to their father Thomas Parsons who was a Pequott souldier, and appoint Lieut Mathew Allin and Samll Rockwell junr to lay it out to them, according to their grant.

Whereas there was a former grant of two hundred acrs of land to John Griffin of Windzor for his good service in the countreye, Mr Nathanll Bissell alledging that his father bought it of said Griffin, this Court grants the same to him the said Bissell, provided he make it appear, to the satisfaction of the heirs of said Griffin that he hath both bought and paid for it, and appointed Lieut Mathew Allin and Samll Rockwell to lay it out where it may not preiudice any former grant.

Mr Nathanll Burre as attorney for the town of Fairfield petitioned this Court for relief against the obstinacye and refractorinesse of Nathan Addams of the said town in improving land belonging to the town, and recovered out of his hands by judgment of the countie court in Fairfield, and taking the wheat which grew upon the said land, which they judge doth of right belong to them. This Court in answer to [321] their petition doth give them || free liberty to seek relief by course of lawe, in prosecuting at the Court of Assistants in May next by review from the judgment of the Court of Assistants in May last, the same by unexpected accident not being prosecuted at the sessions of said Court this instant mōth, the action then depending; the towns attorney giving securitye to prosecute his action to effect and to answer all damages if he make not his plea good. Mr Nathanll Burre acknowledgeth himselfe to be under the obligation of the recognizance by him given, at the Court of Assistance in May last, to prosecute his review in May next.

Danll Brainard senr, Thomas Clerk, John Bates, Nathanll Spencer, Thomas Brooks, by order and consent of the rest of the neighbourhood in Haddum, on the west side of the great river, complaining of the uncomfortable differences, and divis-

ions that were among them, made their petition and addresse to this Court, manifesting their desire and willingnesse, to leave all their controversies and divisions, to the issue and determination of this Court, or to a councill of magistrates and ministers by this Court chosen and appointed. This Court having heard and considered the pleas of the petitioners, concluded that a comittee be by this Court appointed, to inquire into the cause of the divisions and controversies between the people of Haddum, and to indevour a friendly aggreement and accomodation between them if it can be obteined, and to make return to this Court in May next. Colon[ll] Robert Treat, Deputy Govern[r], Capt[n] Sam[ll] Mason, Capt[n] Dan[ll] Witherell, Capt[n] John Hamlin, the Reverent M[r] Timothye Woodbridge, M[r] Perpoint, M[r] Gurdon Saltonstall, and M[r] Noadiah Russell, they or the maj[r] part of them, are desired and appointed by this Court to be the comittee for the service aforesaid; and both the contesting parties in the said town are to attend the order and direction of the hon[rd] gentlmen and reverent elders beforenamed or the maj[r] part of them, in manifesting to them the grounds of their contests and divisions, and in the mean time till the comittee make their returne to pay their severall proportions of their ministers rate to the Reverent M[r] Hubberd, according to their list of estate. The whole charge of enterteining the comittee when upon the service to be defrayed by the town in generall.

Capt[n] Chapman is by this Court released from attending his charge of Capt[n] of the trainband in Saybrook.

The Reverent M[r] Thomas Buckingham personally appeared in Court, and prayed that the contest between Owaneco and Abimelech, concerning the bounds of lands by them claimed at or near the place comonly called Lebanon might have a second hearing. This Court grants free libertye to Abimelech to prosecute any title to any lands in contest between him and Owaneco, or between him and any other person claiming by right derived from Owaneco, in due course of comon lawe, begining first at the countie court at Newlondon, and so proceeding from court to court to a finall issue, and that no

former act of this Court shall be understood or improved to his preiudice in such prosecution.

Benjam[n] Gilbert of Wethersfield being unsatisfyed with the distribution of the estate of his father Josiah Gilbert, late of Wethersfield deceased, formerly made by the countie court and confirmed by the Court of Assistants, whereby he complains that he is debarred of his just right to the lands of his said father, petitioned this Court that he might not be barred by any act of the countie court or court of assistants, as courts of administration, from prosecuting any right or title that he might have to the lands of his s[d] father. This Court having heard and considered his petition, doe grant and declare that no acts of the court aforesaid shall be understood, pleaded or improved, in barre of the petitioners title or claim to the lands aforesaid or any part of them, but that he shall have equall advantage to prosecute his aforesaid claim in due course of comon lawe the said acts notwithstanding.

This Court releaseth Jonathan Smith of Glassenbury from his countrye rates, both for the year last past and for this present year.

M[r] Sam[ll] Fitch petitioned this Court in behalfe of some [322] farmers in || Norwich bounds, that they might have liberty to joyn with the assembly in Preston and to pay to the ministrye there, and be released from paym[t] to the ministrye in Norwich. This Court being sensible of the difficulties that may attend them, doe recomend it to the serious and charitable consideration of the town of Norwich, expecting their charitable and christian compliance, with the interest of their neighbours, and direct the petitioners to make return to this Court in May next.

This Court grants to our Hon[rd] Govern[r] one hundred pounds in money for his sallerye for this present year; to our Deputye Govern[r] one hundred pounds in money; to M[r] Jones ten pounds in money; to the Secretary fifteen pounds in money; to the Treasurer twentie pounds in money for his sallerye and ten pounds in money for his travail to the severall towns to make up acc[ts] with the constables; and to the High Sherriff eleven pounds in money.

This Court grants full power to Joseph Robbins, of the town of Lyme, to confirme to the heirs of James Tillison late of the said town deceased, a parcell of upland and meddowe, and a fiftie pound right in the comon land, all situate in the town aforesaid and was sett out to the said James Tillison by Lieu^{t} Abraham Brownson and Serj^{t} Thomas Lee, both of the said town of Lyme as a legacie due from the said James Tillison from his fathers estate.

Capt^{n} John Chapman is by this Court allowed the same fare for keeping the ferry in the township of Haddum as is allowed to the keeping the ferrye in Saybrook.

This Court by their owne authoritye, upon the humble petition of the Pequott Indians in their addresse, bearing date September the twenty eight, 1698, exhibited in Court under the hands of their principall men,* doe hereby subiect the said Pequotts to the cognizance and regulation of our Honrd Govern^{r} Fitz John Winthrop Esq^{r}, to be at his Hon^{rs} dispose as to their goverment, to place officers to rule over them and again to displace them by his discretion, and also in all matters that concern their peaceable and civill behaviour among themselves and towards the English, desiring his Hon^{r} to take the care of them and requiring them to submitt to such orders and regulations in all matters relating to the premises as his Hon^{r} in his wisdome from time to time shall see cause to enioyn them to observe and to conforme to.

This Court grants to our Honrd Govern^{r} Fitz John Winthrop Esq^{r}, two hundred ac^{rs} of land to be taken up where it may not preiudice any former grant to any township or perticular person.

This Court grants to Capt^{n} Ebenezer Johnson (over and above his interest in the grant to the volunteers) two hundred ac^{rs} of land to be taken up where it may not preiudice any former grant to any township or p^{r}ticular person.

Ordered by this Court that the Govern^{rs} Councill in the intervales of the Generall Assembly, shall consist of the same members and have the same authoritye to act in all affairs that concern the peace and weal of this Colonie as by the act of

* Their address to the General Court is in Indians, I, 48.

this Court was granted in May last. And the Governrs Honr [323] is desired to call in any of || the neighbour ministers or justices for advice when his Honr in his wisdome shall thinke it needfull so to doe.

This Court upon the petition of divers of the inhabitants in the countie of Hartford, grant libertye for a plantation at or neer the place called Jeremiahs Farme upon the rode to New-london, and Captn Danll Witherell, Captn John Hamlin, Mr Willt Pitkin, Captn John Chester, Mr Richard Cristophers, and Captn Samll Fosdick, they or the majr part of them are by this Court appointed to be a comittee to lay out a township there, beginning at the north bound of Twentie Mile River, and so to extend southward, to a river called Deep River, and to extend eastward from the bounds of Haddum seven miles.

This Court grants that the Assistants att the sett Generall Courts and Courts of Assistts shall be allowed five shillings pr day in money for every day they attend the said courts, and also the fees paid at the Court of Assistants.

Voted and granted in Court that what remains due to the souldiers that were drawn out of this countie to the garrison at Northfield in the year 1688, to make up their wages to be eight pence pr day in money for each man, shall be paid to them; and Majr Jonathan Bull, Captn Caleb Stanley, and Captn Cyprian Nickols, are appointed by this Court to take the account of what each souldier hath already received, and to sign bills to the Treasurer for what remains still due.

Tho. Post is released by this Court from the fine that was imposed upon him for retailing of drinke.

The comittee formerly chosen to revise the lawes, are by this Court desired and appointed to goe forward with that worke till it be perfected.

This Court grants to Mr John Parker of Saybrook, the sume of fifteen pounds in money out of the publick treasurye, for his pains and labour as lieut of the fort there, as a finall issue of all accounts between the said John Parker and the countrey concerning that matter.

This Court gives to Jacob Deming, five pounds more then what was formerly given him, in consideration of his wound-

ing and damage in firing the great guñe which brake in firing.

The forme of the oath of allegiance administred to the members of the Genrll Assembly:

You I. W. doe swear that you will bear true allegiance, to Wilł, King of England, Scotland, France, and Ireland, and the dominions thereto belonging. So help you God.

This Court adiourned Octobr the 26, 1698.

*It is ordered by this Court and the authority thereof, that for the future this Genrll Assembly shall consist of two houses, the first shall consist of the Governr or in his absence of the Deputy Governr, and Assistants which shall be known by the name of the Upper House; the other shall consist of such Deputies as shall be legally returned from the severall townes within this Colonye, to serve as members of this Generall Assembly, which shall be known by the name of the Lower House, wherein a Speaker chosen by themselves shall preside; which houses so formed shall have a distinct power to appoint all needfull officers, and to make such rules as they shall severally judge necessary for the regulating of themselves. And it is further ordered that no act shall be passed into a lawe of this Colonie, nor any law already enacted be repealed, nor any other act proper to the Generall Assembly, but by the consent of each of the said houses.**

This Court grants to Stephen Kelsie of Hartford thirtie shillings in cash, in consideration of damage done to a horse of his that was hired for the countrey service.

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[324] Att a Generll Assembly holden att Hartford, May 11th, 1699, for Election &c.

The persons elected are,

John Winthrop Esqr, Governr, *sw.*

Colonll Robert Treat, Dep. Governr, *sw.*

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* The act for dividing the legislature into two bodies, as found here, varies from that printed on page 267, only in the last clause,—"the General Assembly," for "this General Assembly," and "the consent of both houses," instead of "the consent of each of the said houses."

Assistants:

Capt^{n} Andrew Leet, *sw.*	Capt^{n} John Hamlin,
Capt^{n} Sam^{ll} Mason,	Maj^{r} Jonathā Sellick, *sw.*
Capt^{n} Daniel Wetherell, *sw.*	Capt^{n} Nathan Gold, *sw.*
M^{r} Nathan^{ll} Stanley, *sw.*	M^{r} William Pitkin, *sw.*
Capt^{n} Caleb Stanley, *sw.*	M^{r} Joseph Curtis, *sw.*
Maj^{r} Moses Mansfield, *sw.*	M^{r} Richard Cristophers.*

Capt^{n} Joseph Whiting, *Treas^{r}.*
Eleazar Kimberly, *Sec^{r}y.*

Deputies:

For Hartford, Capt^{n} Cyprian Nickols, Capt^{n} Aaron Cook.
For Windzor, M^{r} John More, Capt^{n} Tho^{s} Stoughton.
For Wethersfield, Capt^{n} Rob^{t} Wells, Capt^{n} Jn^{o} Chester.
For Stratford, M^{r} Richard Blackleech, Capt^{n} James Judson.
For Lyme, Capt^{n} Wil^{ll} Eelye, Ens. Joseph Peck.
For Stanford, Lieu^{t} David Waterbury, Ens. Sam^{ll} Hoyt.
For Greenwich, M^{r} Sam^{ll} Peck, M^{r} Ebenez^{r} Mede.
For Gilford, M^{r} Josiah Rossiter, Lieu^{t} Abraham Fowler.
For Norwalk, Capt^{n} James Olmstid.
For Wallingford, M^{r} Tho. Hall, M^{r} Nathan^{ll} Rise.
For Keñellworth, M^{r} John Griswold, M^{r} Rob^{t} Lane.
For Milford, Capt^{n} Sam^{ll} Newton, Lieu^{t} Sylvanus Baldwin.
For Newhaven, M^{r} John Allin, M^{r} Abrahā Bradley.
For Symsbury, Capt^{n} Jn^{o} Higlye, M^{r} Sam^{ll} Wilcockson.
For Glassenbury, M^{r} Jonath. Smith.
For Branford, M^{r} Wil^{ll} Malbye, Serj^{t} Nathan^{ll} Foot.
For Windham, M^{r} Joshua Riplye.
For Norwich, M^{r} Jn^{o} Tracie, Lieu^{t} Rich^{d} Bushnell.
For Midltown, Capt^{n} Nathan^{ll} White, Ens. John Hall.
For Saybrook, M^{r} John Parker, M^{r} Jn^{o} Whitlsey.
For Woodbury, Serj^{t} Israel Curtis, M^{r} Titus Henman.
For Farmingtō, M^{r} John Hooker, Serj^{t} Sam^{ll} Wadsworth.
For Fairfield, Lieu^{t} James Bennet.
For Waterbury, Ensign Tim. Stanley.
For Preston, Lieu^{t} Jonath. Tracie, Ensign John Park.
For Stoningtō, M^{r} Nehem^{h} Palmer, Ensign Ephraim Minor.

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* In the room of Samuel Wyllys, left out.

[325] For Haddum, Capt^{n} George Gates, M^{r} William Spencer. For Newlondon, Capt^{n} Sam^{ll} Fosdick,Lieu^{t} Nehemiah Smith.

Att the opening of the Court the law, title (Court Secrets not to be revealed,) was read.

Two letters were read, sent from the Lords Commissioners of the Councill of Trade.

The Representatives withdrew from the Upper House to choose their Speaker, and to aggree upon rules proper for the regulating themselves in the work before them.

Capt^{n} John Chester chosen and accepted to be Speaker of the House of Representatives, and Capt^{n} Will^{m} Whiting to be their Clerke.

The acts of the Govern^{r} and his Councill since October last were read and approved by both houses, with exception onely of the act of the Councill in suspending the processe issued forth against Capt^{n} Sam^{ll} Mason to appear before the Court of Assistants to answer the complaint of the sherriff of Newlondon for suppressing a writt of sum̃ons in y^{e} hands of the deputy sherriff.*

The House of Representatives declaring their opinion that Capt^{n} Mason should personally appear when the matter of complaint against him should be agitated in the Assembly, writs were issued forth for Captain Sam^{ll} Mason and the sherriff and deputy sherriff, forthwith to appear before this Assembly, but upon the return of the writts Capt^{n} Mason appeared not, pretending inability to travail by reason of sicknesse attending him.

Some papers sent by him to the Assembly being read [and] considered, it was the opinion of the House of Representatives that he should be suspended from taking his oath as Assistant untill he had cleared himselfe of the charge laid upon him. This opinion was not approved by any vote of the Upper House.

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* Some papers about this affair are in Private Controversies, V, 122–130.

Acts and Lawes passed by this Gen^rll Assembly.

An Act for punishing the Concealm^t of the Death of a Bastard, as in case of Murder.

Ordered and enacted by the Govern^r, Councill, and Representatives, in Generall Court assembled, and by the authoritye of the same: That if any woman be delivered of any issue of her body which if it were born alive should by lawe be a bastard, and that she indevour privately either by drowning or secret burying thereof or any other way, either by herselfe or the procuring of others, so to conceal the death thereof that it may not come to light, whether it were born alive or not but be concealed, in every such case the mother so offending, shall suffer death as in case of murder. Except such mother can make prooff by one witnesse at the least, that the child whose death was by her so intended to be concealed, was born dead.*

An Act for the relieving of Ideots and Distracted Persons.

It is ordered and enacted by the Govern^r, Councill, and Representatives, in Generall Court assembled, and by the authority of the same: That when and so often as it shall happen any person to be naturally wanting of understanding, so as to be uncapable to provide for him or her selfe, or by the providence of God shall fall into distraction and become non compos mentis, and no relations appear that will undertake the care of providing for them, or that stand in so near a degree, as that by law they may be compelled thereto; in every such case the select-men or overseers of the poor of the town or peculiar where such person was born or is by law an [326] inhabitant, be and hereby are impowred and enioyned || to take effectuall care and make necessary provision, for the relief, support and safety of such impotent, or distracted person at the charge of the town or place whereto he or she of right belongs; if the partie hath not estate of his or her own

* This law was copied, with an immaterial variation, from an act passed in Massachusetts in May, 1696, which was taken from the Act xxi, Jacobi, cap. 27. In the revision of our statutes printed in 1702, the act and preamble appear as they were found in the Massachusetts laws. The immediate occasion of the passage of the act here was a recent case happening in Farmington. Rec. Co. of Assist., I, 92. Crimes and Misdemeanors, I, 219–223.

the incomes whereof shall be sufficient to defray the same. And the justices of the peace within the same countie at their countie courts may order and dispose the estate of such impotent or distracted persons to the best improvem^{t} and advantage towards his or her support, as also the person to any proper work or service he or she may be capable to be imployed in, at the discretion of the select men or overseers of the poor. And where the estate of any such person consists of housing or land, in every such case the Generall Court upon application to them made may licence and authorize, the select-men or overseers of the town or place whereto such person belongs or such others as the said Court shall thinke fit, to make sale of such housing or land, the product thereof upon sale to be secured, improved, and imployed, to and for the use, relief and safety of such impotent or distracted person (as the Court shall direct) as long as such person shall live, or untill he or she be restored to be of sound mind, and the overplus (if any be) to and for the use of the next and right heirs of such partie.

And the like power and authority is hereby granted unto the aforesaid Court with reference to any person or persons now under distraction or non compos mentis, as well for the satisfying the charges already past as for what may be future for the support, relief and safety of any such person.*

An Act for the regulating Retailers of Drink.

It is ordered and enacted by the Govern^{r}, Councill and Representatives, in Generall Court assembled, and by the authority of the same: That from and after the first of July next ensuing the date hereof no vintner, ordinary keeper or retailer of wine or strong drinke shall sell for or take more then twelve pence in pay or eight pence money for a pint of Madera wine; and not more then nine pence in pay or sixe pence in money for a pint of Fiall wine; and not more for rum then three

* This Act was copied from an Act passed in Massachusetts, November, 1693, and it would seem that Secretary Kimberly had made his record from a printed copy of that Act; for, as originally recorded, it did not vary from it save in the enacting clause; the alterations have been made by drawing a pen through some words, and by writing over others.

pence in pay for one gill or two pence in money; and for cyder or strong bear not more then two pence p^r^ quart in money or three pence in pay. And if any vintner, ordinary keeper or retailer of wine or strong drinke shall exceed the prizes above mentioned, he shall for every default be liable to the forfeiture of ten shillings in currant money, one halfe thereof to the complainer that shall prosecute his complaint to effect, and the other halfe to the treasurye of the countie where the offence shall be committed. Any one justice of peace to hear and determine the said offence.

An Act for repealing the law for paym^t^ of Custome and Impost upon Wine and Liquors imported.

Ordered and enacted by the Govern^r^, Councill and Representatives, in Generall Court assembled, &c, That the law for [327] the paym^t^ of custome and || impost for wine and liquors imported into this Colony be repealed, and the same is hereby repealed and made void.

An Act for the exempting of the settled Ministers of the Gospel in this Colonie from paym^t^ of Rates.

The Govern^r^, Councill and Representatives, in Generall Court assembled, from their peculiar regard unto, and for the incouragem^t^ of the severall ministers of the gospel that are called and settled in this Colonie, doe order and enact that their estates in the severall towns where they live shall be exempted from paying rates, and therefore not to be listed in the publick and generall list.

An Act for the incouragem^t^ of killing of Wolves.

Ordered and enacted &c, That there shall be paid by the countrey in country pay for every grown wolf that shall be killed twentie shillings, and ten shillings more by the town where such wolfe or wolves shall be killed, and halfe so much for killing of a whelp that sucks.

The time stated for keeping the Countie Courts in Newhaven Countie.

Ordered and enacted &c, That the two stated countie courts in Newhaven countie shall be holden the one on the second

Munday of June, and the other on the second Munday of November annually. This order to be observed for the future till the Generall Assembly order otherwise.

The constitution and power of the Councill in the intervales of the Court.

Ordered and enacted &c, That the Councill assigned to assist the Governour in the intervales of the Courts, shall consist of the same members, and have the same power to act in all affairs that doe concern the weale of the Colonie, as by the act of this Assembly in October last, is granted. This order to continue untill October next.

Newhaven countie courts stated.

Ordered and enacted &c, That the two stated countie courts in Newhaven countie shall be held the one on the second Munday in June, the other on the second Munday in November annually till the Court order otherwise.

Maj^{r} Moses Mansfield appointed Judge of the Countie Court in Newhaven countye.

Ordered and enacted &c, That the Treasurer by force of this act shall be fully impowred to demand, sue for, and recieve, to the use of the Colonie, all and every such sum̃e or sum̃es of money that now are due to the Colonie from any officer appointed to collect and recieve the excise or any other duties that according [to] lawe ought to be paid to the publick treasurye by strangers that come to trade in the goverm^{t}, and in consideration thereof to be allowed fortie shillings in cash for his pains therein for this present year as an addition to his sallerye allowed for accounting with the constables.

M^{r} Nehemiah Palmer is by this Court appointed a Justice of Peace in the countie of Newlondon, and M^{r} John Hooker appointed Justice of Peace and Quorum in the countie of Hartford, M^{r} Abrahā Ambler Justice of Peace in the countie of Fairfield, M^{r} Nehemiah Smith to be Justice of Quorū in Newlondon countie.

M^{r} Sam^{ll} Eels is by this Court appointed Capt^{n} of the second trainband in the town of Milford, Lieu^{t} Sam^{ll} Jones to be Capt^{n} of the trainband in the town of Saybrook, M^{r} John

Clerke to be the Lieu^{t} of the trainband in the s^{d} town of Saybrook.

Ordered and appointed &c, upon the desire of the town of Preston that M^{r} John Butcher, Lieu^{t} Richard Bushnell, and M^{r} Nehemiah Palmer, or any two of them be a comittee to runne the dividing line between the towns of Newlondon and Preston at the charge of the town of Preston, the inhabitants of Preston giving timely notice to the inhabitants of Newlondon when the worke is to be done. *This vote not granted by the Upper House.*

Upon the motion of the Representative of Midltown, liberty is granted to the trainband in the said town to divide into two companies, upon an equall division.

Ordered &c, That the thanks of this Assembly be returned to the Rever^{t} M^{r} Sam^{ll} Russell for his pains in preaching the election sermon.

This Court grants the Rever^{t} M^{r} Thomas Buckingham of Hartford two hundred acres of land where it may be had without preiudice to any former grant or the settlm^{t} of any plantation; also two hundred acres to M^{r} Joseph Web, minister at Fairfield, upon the same conditions.

[328] Ordered and enacted by the Deputy Govern^{r}, Councill and Representatives, in Generall Court assembled, &c, That a Pattent be gran[ted] of the township of Newlondon, to the severall persons hereafter named as pattentees, which shall be sign^{d} by the Hon^{ble} Colon^{ll} Rob^{t} Treat, Dep. Governour of this Colonye, and the Secretary, with the seal of the Colonie affixed. The names of the pattentees, are as followes:

Fitz Jn^{o} Winthrop Esq^{r},	Lieu^{t} James Averye,
Wait Still Winthrop Esq^{r},	M^{r} Richard Cristophers,
Capt^{n} Dan^{ll} Witherell,	M^{r} Joseph Latham,
M^{r} John Davie,	M^{r} Nehem. Smith,
M^{r} Gurdon Saltonstall,	M^{r} Sam^{ll} Fosdick,
M^{r} Alexander Pygon,	M^{r} Will Duglas,
Capt^{n} James Morgan,	M^{r} Thomas Bowles,

and the rest of the inhabitants freeholders in the said township of Newlondon, as if named.

Auditors of the Countrye Accounts appointed.

Capt^{n} Daniel Wetherell, Capt^{n} John Chester, M^{r} Joseph Curtis, and M^{r} John Allin are by this Assembly appointed auditors of the country accounts, and if any one of them should fail, M^{r} William Pitkin is to supply his place.

Resolved, That it is the opinion of the Governour, Councill and Representatives in Generall Court assembled, That if any person be found guiltye of attempting and practising, the counterfeiting or clipping, rounding, filing or otherwise debasing any of the monies and coins currant in this Colonie, that it [is] in the power of the justices at their sessions (by virtue of the laws now in force in this Colonie, to bind such person (being thereof lawfully convicted) to the good behaviour with sufficient sureties by the discretion of the justices before whome such delinquent shall be lawfully convicted; and if such delinquent shall not procure such surety, then may the justices com̃it such person to the com̃on gaole there to remain untill he shall be delivered, according to order of lawe.

Ordered and appointed that M^{r} Willi$\bar{a}$ Pitkin, Capt^{n} John Chester, and Capt^{n} William Whiting be a com̃ittee to view the lands at Lebanon, and to consider what quantitye may be conveniently allowed for a plantation there, and to make return to this Court in Octob^{r} next; the worke to be done at the cost of the inhabitants of Lebanon, and the com̃ittee to attend the worke at their call.

Ordered and appointed that this figure, viz. (4) shall be the brand mark for horses in the township of Lebanon.

Liberties granted by this Assembly to Fairfield Village.

Imp^{r}. To make choice annually of two or three persons who shall have power to order meetings of the societye to order their ministers rate, and what concerns may be needfull about their meeting house.

2. To choose collectors of the rates, and that they shall have full power by uirtue of a writt from lawfull authority upon non payment to distrain.

3. To choose a constable whose power shall reach from the west side [of Paqua]ñuck River unto the uttermost bounds of the village west[ward, accord]ing to the limitations granted to

[329] their comission of || officers, the village consisting partly of Fairfield and partly of Stratford.

4. That they shall have libertye to choose añually a society recorder, to be sworn to that worke.

Acts of the Governr, Councill and Representatives &c. referring to Windhā.

The Governr, Councill and Representatives, in Genrll Court assembled, approving of the aggreemt of the inhabitants of Windham exhibited, bearing date March the 16th, 1699, and signed by most of the principle inhabitants of the said town, referring to their assembling together for publick worship, doe hereby rattifie and confirme the said aggreement, and doe require and enioyn all the inhabitants of the said town of Windham to conforme thereunto, (both those that are expressely mentioned in the said aggreemt and those that are thereby intended) and to promote the fulfilling thereof in all its parts, (according to the true intent and meaning of the said aggreement) both with their persons and estates.*

The Governour, Councill and Representatives &c, doe also hereby declare that they doe well approve of the desire of the people of Windham to embodye themselves in church estate, and to settle the Revert Mr Samuel Whiting to be their ordeined minister, and are ready to give them all good countenance and incouragemt in that worke, provided they proceed therein with the advice of the neighbour churches.

An Act for the enlargemt of the new plantation lately granted at or neer Jeremies Farme, upon the roade to Newlondon.

Ordered and enacted &c, That the north bounds of the said new plantation shall be (as formerly at Twentye Mile River,

* The articles of agreement between the inhabitants at the south end of the town and those of the north end, signed by thirty three, are recorded in Col. Rec. of Deeds &c, II, 283. The substance of them is 1, that religious services shall be held in the summer and fall at the north end of the town, and in the winter and spring at the south end: 2, that each end of the town should build a meeting house sufficiently large to accommodate the whole congregation: 3, training days and town meetings shall be held at either end of the town according as the religious exercises are divided.

† The petition of the town for leave to embody into church estate and to ordain Rev. Samuel Whiting is in Eccl. I, 141.

and the south bounds to ioyn to the north bounds of Lyme, and the west bounds to joyn to the east bounds of Midltown and the east bounds of Haddum, and the east and northeast bounds to ruñe to the bounds of Lebanon and Norwich, as it shall be stated by the coñittee now chosen by this Court to survey those lands. The bounds of the said new plantation to be so stated as not to preiudice former grants.

Acts of the Govern^{r}, Councill and Representatives, &c. referring to the inhabitants of Quiñabauge.

Granted upon the motion of the Govern^{r} and petitiō of y^{e} people of Quiñabaug.*

Imp^{r}. That they shall have the powers and priviledges of a township, provided it doth not preiudice any perticular persons propertye.

2. That their bounds shall be as exprest by the Govern^{rs} Hon^{r}, viz. ten miles east and west and eight miles north and south, abutting southerly on Preston and Norwich bounds and westerly on Windham bounds, provided it doth not preiudice any former grant of townships.

3. That the Govern^{rs} Hon^{r} shall give the plantation a name, and also appoint a horse-brand for the use of the inhabitants.

4. That they shall have three years exemption from paying rates to the countrye.

5. That Capt^{n} Dan^{ll} Witherell, M^{r} William Pitkin, and Capt^{n} William Eelye, they or any two of them shall be a coñittee to lay out the bounds of the town and to make return thereof to this Court in Octob^{r} next.

Liberty and full power is by this Assembly granted to Hannah Mason of Hartford with the advice of Capt^{n} Cyprian Nickols to sel some land in the *the* township of Hartford in the West Division, belonging to the estate of her deceased husband, for paym^{t} of debts due from the said estate.

Liberty and full power is by this Assembly granted to John Osborn sen^{r} and John Barlowe both of the town of Fairfield, administrat^{rs} on the estate of Joseph Bears late of the said

* The petitioners represent that above thirty families are already there. Towns and Lands, II, 78.

town deceased, with the advice and consent of Captn Nathan Gold and Lieut John Wakeman, to make sale of some lands belonging to the estate of the said Joseph Bears for the paymt of such just debts as are due from the said estate.

Liberty and full power is by this Assembly granted to William Long of Hartford, administratr to the estate of Arthur Henbury deceased, to sell so much of the lands belonging to [330] the estate of the said Arthur as shall be necessary || for the paymt of such just debts as are due from the said estate.

Liberty and full power is by this Court granted to Elizabeth Baldwin of Milford, widdowe, to make confirmation according to lawe of a certain parcell of land unto the purchaser, which was sold by her husband in his life time to a neighbour of his and for which he recieved a good part of the pay.

Liberty and full power is by this Assembly granted to Elizabeth Wells widdow and relict of Joseph Wells late of Hartford deceased, and administratrix to the estate of her deceased husband, with the advice of Mr Thomas Hooker and Captn Cyprian Nickols, to sell some of the land belonging to the said estate for the paymt of debts that are due therefrom, they amounting to about fortie pounds.

Liberty and full power is by this Assembly granted to Mrs Elizabeth Eyre of Newhaven, widdowe, to sell three acrs and a halfe of upland, and two acrs and a halfe of meddow, to satisfie a debt due for monies borrowed to procure the enlargement of her husband who was taken by the French in the late warre; the sale thereof being made with the advice of Majr Mansfield and Mr John Allin.

Libertye and full power is by this Court granted to Jeremiah Judson junr of Stratford, with the advice of Mr Joseph Curtice and Captn James Judson of the same town, to sell so much of the lands belonging to his father Jeremiah Judson as shall be needfull for the maintenance of his said father and familie in his age and infirmitye of bodye.

Upon the petition of divers persons inhabitants of Gilford and Keñelworth, this Court grants liberty for a plantation at the place comonly called Cockinchaug, to be bounded northerly upon Midltown, easterly by Haddum, westerly by Wal-

lingford, and southerly by Gilford and Kennelworth. Provided it doth not preiudice any former grants nor interrupt any perticular propriety.*

And Captn Nathanll White and Captn Thomas Yale, with Mr John Griswold and Mr Danll Brainard, are by this Assembly appointed a committee with full power to view the lands at Cockinchauge and the parts adiacent, and to lay out a township there in such forme as they shall judge most convenient for the farmes already laid out there.

Vpon the petition of Captn William Eelye and Lieut John Clerk in the name of those of the legatees mentioned in Joshuahs will, this Assembly doth appoint and impower Mr William Pitkin, Captn John Chester, and Captn William Whiting, to be a comittee to lay out and settle the east and south bounds of a tract of land given to the said legatees by the said will, and a pattent thereof granted to them by this Assembly in the year 1687, and therein to proceed according to the direction of the sd pattent.† The worke to be done at the charge of the petitioners.

Mr Daniel Shilton of Stratford in the right of his wife Elizabeth, the daughter of Captn Samll Wells late of the town of Wethersfield deceased, made application to this Court complaining that Captn Samll and Ensign Thomas Wells, sonnes of the said Captn Samll Wells deceased, did uniustly withold from him his just right and due from their fathers estate, and [331] that after long suits in || law from court to court he could have no relief against them for the recoverye of his just right, and therefore prayed relief of this Court according to justice and equitye. This Assembly having heard the pleas and replies of plaintiff and defendts, give judgmt for the plaintiff as followes, viz. that the defendts Captn Samll Wells of Glassenbury and Ensign Thomas Wells of Wethersfield shall

* Towns and Lands, II, 165, 166.

† The patent is recorded in Col. Record of Deeds &c, II, 184. The land is described as "lyeing on both sides Ungushet River and abutting on the westward of the mountaines within sight of Hartford and of Hartford bounds, north to Major Tallcot's farme, northeast to Wattochoguiske upon the east side bounded eight miles in bredth from the mountains eastward and to cary that bredth throughout the length being eighteen miles." The petition in behalf of the legatees is in Towns and Lands, II, 71.

pay or cause to be paid to Mr Dan[ll] Shilton or his order the sume of one hundred and twentie seven pound fourteen shillings, as his part or portion in the estate of Capt[n] Sam[ll] Wells formerly of Wethersfield deceased, in right of his wife Elizabeth, daughter to the said Capt[n] Sam[ll] Wells deceased. It is further ordered that what doth appear to be distributed to the said Elizabeth in reall or personall estate, amounting to eightye pounds ten shillings, shall be deducted out of the one hundred and twentye seven pounds fourteen shillings above mentioned, and the remainder which is fortie seven pounds four shillings shall be paid in currant countrye pay by the abovesaid persons, viz. Sam[ll] and Thomas Wells joyntly or severally, and that they pay unto the costs of this court. That the land distributed to his wife amounting to fortie two pounds ten shillings shall be recorded to him in the records of Wethersfield, and that whereas there is some considerable losse of land at Hoccanum, it is further ordered that if that shall be regained by the shifting of the great river, the said Shilton shall have one seventh part thereof. Cost allowed in this action at two pounds five shillings cash.

A Generall Assembly holden at Hartford, Octob[r] 12[th], 1699.

Present:

John Winthrop Esq[r], Govern[r].
Colon[ll] Rob[t] Treat Esq[r], Dep. Govern[r].

Assistants present:

Capt[n] Sam[ll] Mason,	Maj[r] Moses Mansfield,
Capt[n] Dan[ll] Witherell,	Capt[n] John Hamlin,
Nathan[ll] Stanley Esq[r],	Williā Pitkin Esq[r],
Capt[n] Caleb Stanley,	Joseph Curtis, Esq[r].

Deputies present:

For Hartford, Capt[n] Cyprian Nickolls, Capt[n] Joseph Wadsworth.
For Windzor, M[r] Joh. Woolcutt, Capt[n] Thomas Stoughton.
For Wethersfield, Capt[n] Rob[t] Wells, Capt[n] John Chester.*

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* Speaker of the lower House.

For Newhaven, Mr John Allin, Mr Abrahā Bradley.
For Newlondon, Captn James Morgan, Mr Nehem. Smith.
For Fairfield, Lieut John Wakeman, Ensign Jno Osborn.
For Farmingtō, Captn Tho. Hart, Mr Jno Hooker.
For Midltown, Captn Nathanll White.
For Branford, Mr Wilł Malbye, Captn Eleazr Stent.*
[322] For Milford, Captn Samll Newton, Mr Sylvanus Baldwin.
For Norwich, Lieut Richrd Bushnell.
For Gilford, Mr Josiah Rossiter, Lieut Abrā Fowler.
For Stanford, Mr Samll Hoyt, Mr Jonath. Bell.
For Symsbury, Mr Danll Addams.
For Norwalk, Mr Samll Hayse.
For Stratford, Mr Samll Shermā, Mr Ephraim Stiles.
For Stonington, Mr Henry Stephens.
For Keñelworth, Mr Jno Griswold.
For Saybrook, Mr Jno Parker, Mr Nathanll Chapmā.
For Lyme, Lieut Abrahā Brownsō, Ensign Joseph Peck.
For Haddū, Captn George Gates, Mr Wilł Spencer.
For Waterbury, Mr Thos Jud.
For Rye, Mr Thos Merrit, Lieut Jno Horton.
For Wallingford, Lieut Samll Hall, Serjt Jno Merriman.
For Woodbury, Mr John Sherman.
For Derby, Captn Ebenr Johnson.
For Glassenbury, Mr Jonath. Smith.
For Preston, Mr Jno Parker.

Persons nominated to stand for election in May next, out of which number the Assistants for the ensuing year are to be chosen:

Majr Genrll Fitz Jno Winthrop Esqr, Colonll Robt Treat Esqr, Samll Willis Esqr, Capt. Andrew Leet, Majr James Fitch, Captn Samll Mason, Captn Danll Wetherell, Mr Nathanll Stanley, Captn Caleb Stanley, Majr Moses Mansfield, Captn John Hamlin, Majr Jonath. Sellick, Captn Nathan Gold, Mr Joseph Curtice, Mr Wilł Pitkin, Mr Richard Cristophers, Captn Jno Chester, Mr Tho. Hooker, Mr John More, Mr John Hains.

* Clerk of the lower house.

The lists of the persons and rateable estates of the severall inhabitants of this Colony:

	List of Estates. *lls.*	Persons.		*lls.*	Persons.
In Hartford,	17324	300	In Wallingford,	05057	088
in Windzor,	15657	290	in Lyme,	05299	093
in Newhavē,	16534	315	in Woodbury,	02684	065
in Fairfield,	11500	150	in Waterbury,	01700	047
in Newlondō,	09196	208	in Branford,	04286	080
in Wethersfield,	10974	218	in Glassenbury,	02292	061
in Stratford,	08912	130	in Rye,	03306	060
in Midltown,	06021	150	in Darbye,	01920	044
in Stoningtō,	05767	108	in Bedford,	00970	026
[333] Stanford,	05650	090	in Gilford,	07722	136
in Killinworth,	02600	052	in Farmingtō,	07025	116
in Symsbury,	03245	090	in Norwalk,	05895	120
in Greenwich,	03658	078	in Norwich,	05606	125
in Preston,	02510	061	in Haddum,	02744	092
in Saybrook,	06380	134	in Milford,	10308	178
in Danbury,	01805		in Windhā,	02004, 10^{s}	

Ordered and enacted by the Govern^{r}, Councill and Representatives, in Gen^{rll} Court assembled: That the severall inhabitants of the towns of Windham and Danbury doe forthwith after due notice given give in a true list of all their male persons from sixteen years old and upward that according to lawe ought to be put into the countrye list, and also of all their rateable estate both reall and personall to the respective selectmen of the said townes by them to be transmitted to the Secretary to be enrolled, that so they may pay their dues to the publick charges of the countrye with other plantations in this goverm^{t}: this order to be duely and seasonably attended by the respective persons concerned, and whosoever shall neglect the same shall thereby incurre the penaltye of the lawe in such case provided; the lists to be sent to the Secretary before the last day of November next ensuing.

A letter of instructions from the Lords Comissioners of the Councill of Trade and Plantations to the Govern^{r} and Company, dated Octob^{r} the 25^{t}, 1698, was read in this Assembly; also a letter from the Secretary of State of the 2^{d} of January, 1698, concerning the Scotts settled in America; also a letter

from the Lords Justices of Aprill the 24, 1699, and an inclosed order of referrence to the Lords of the Councill of Trade upon two petitions, the copies whereof were inclosed, with the opinion of the Lords of the Councill and his Majeties order thereupon.

The Representatives moving the Upper House to nominate and appoint some members of their house to joyn with some of their own in counting the votes for nomination, the Upper House being inguaged in affairs of publick concernment and not able to spare any of their members for that service referred the whole mañagemt of that matter to the prudence and fidelity of the House of Representatives.

James Wright of Saybrook refusing to bring in a list of his rateable estate, Mr John Parker, Mr Nathanll Chapman, and Mr John Griswold were chosen a comittee to assesse him will and doom as the law directs.

At this Assembly Captn Samll Mason took the Assistants oath before the Governr and Councill.

This Assembly doth hereby direct and impower the Treasurer of the Colonie either by himselfe or by his order to ship on board any vessell for transportation to Boston, or elsewhere into the neighbour governmts such quantities of grain and provision, as he shall judge necessary to be transported for the countryes service, and to consign the same to such trustie and faithfull person there whome he *is* in his discretion shall judge most fitt to be imployed in that service, for the promoting of the Colonies interest.

Michael Tainter, Samll Northam and Nathanll Foot appearing in this Assembly in the behalfe of the new plantation called Colchester, and complaining that they are obstructed in the improvemt and settlment of said plantation by reason of severall persons that claim considerable tracts of land within the grant of said township, and particularly severall of the inhabitants of Saybrook; this Court doe therefore order that all persons claiming any lands there, shall appear, at the Generall Court in May next and make their claims appear, that so the

* For. Corresp. I, 72, 75, 79, 78. The petitions were those of Edward Palmes, and John and Nicholas Hallam.

grantees may not be further obstructed, in their settlment of said plantation; and that the name of that plantation shall be called Colchester and belong to the countie of Newlondon. And further that this act be transmitted to the severall towns where any persons claiming land there doe reside, that so they may have seasonable notice thereof.

This Court grants to Mr Joseph Curtis of Stratford one hundred and fiftie acrs of countrye land, he to observe the directions of lawe in his taking of it up.

Ordered by this Court and the authority thereof, that the inhabitants of Windzor on the east side of the great river belonging to the societye there shall have liberty to choose three or four men for a comittee to order the affairs apperteining to that societye, and also collectors to gather rates.

The former comittee appointed to run the bounds of Pigscomscutt the last May are yet continued for that worke, and to make return thereof to this Assembly in May next if it may be atteined.

[334] Ordered by this Court and the authoritye thereof, that the Councill assigned to assist the Governr in the intervales of the Generall Assembly shall consist of the same members and have the same power to act in all affairs of publick concernmt, as was granted by this Assembly in October and in May last. This order to continue till the sessions of this Assembly in May next.

This Court doth appoint the Deputy Governr Colonll Robt Treat Esqr, Captn Samll Mason Esqr, Captn Danll Witherell, and the Reverent Mr James Noyes, to be a comittee in behalfe of this Colonie farther to indeavour the settlmt of the line between this Colonie of Connecticutt and Rhode Island; the above named gentlmen to attend the worke within one month or sixe weeks at farthest if it may be. And they (viz. the above named gentlmen) or any three of them *or any three of them* to be a full comittee to conclude the above mentioned treaty, and are to make their return to the Governour and Councill, as soon as may be. And if they make not any amicable aggrement with the governmt of Rhode Island, or any comittee appointed by them, this Court doth impower the

Govern^{r} and Councill to make choice of, comissionate, and instruct, some meet person in England to negotiate there in that matter in behalfe of this Colonie, and to advance upon the publick charge of this Colonie what sumes of money they shall see meet for the aforesaid use.

This Court see reason to make choice of Capt^{n} Dan^{ll} Witherell to be Captain of the fort at Newlondon, and they see reason and hereby doe discharge Capt^{n} Prentice from attending said fort any longer and doe order him to deliver up to said Capt^{n} Dan^{ll} Witherell all the gunnes, armes and amunition and utensills that doe belong to the said fort, which are to be entred in a book and kept upon record there that they may not be forgotten, and order Captain Witherell to put in another gunner, allowing him fortie shillings in pay p^{r} year and no more.

Capt^{n} Jonathan Sellick of Stanford and M^{r} Sam^{ll} Hoyt were by this Assembly chosen to be Justices in the countie of Fairfield.

Increase Holly appointed by this Assembly Ensign of the trainband in Stanford.

Enacted by the Governour, Councill and Representatives in this Generall Court assembled: That all the just expences and charges that have been laid out for imprisoning and maintaining in prison those severall persons that are now imprisoned in the prison of Newlondon for pyracye or robberye on the seas shall be taken out of that money that was seized with them or had been in their possesion. And for the future there shall be sequestred and reserved one hundred and fiftie pounds of the same money to be expended, on what charges shall arise for their maintaining or other way; the remainder to be returned to those that in lawe can demand and give discharge for the same.

This Assembly desireth the Honrd Govern^{r} and Councill to send an answer to the letter sent by the Lords Comissioners of Trade and Plantations to the Govern^{r}, concerning appeals for England.*

A question arising whether the lawe made in May, 1684,

* The draft of the letter is in For. Corresp., I, 88.

for the quieting mens estates be a barre to prevent lawsuits against any persons in the possession of such lands, in answer thereunto this Assembly doth declare it to be their opinion that all persons that did neglect to make entry of action against such lands or hereditam^{ts} shall not be denyed a processe in lawe notwithstanding the lawe stands good.

[335] Ensign Joshua Hogkisse having been formerly wounded in his right arme upon the publick service, whereby he is disenabled from his labour and not likely to obtein a cure, and he moving to this Court for a reasonable allowance annually, this Court grants to said Hogkisse the sum̃e of four pounds in pay to be paid out of the countrye rate this year, and that himselfe and estate be left out of the publick lists of estate for the future.

This Assembly doth remit to M^{rs} Marie Gilbert the one halfe of the excise money which she inguaged to Lieu^{t} Zechariah Sanford to pay.

This Court being informed by the inhabitants of our town of Windzor that divers of the inhabitants of the townes of Southfield and Enfield in the Province of the Massachusetts Bay intrench above two miles upon lands belonging to this Colonie, and by pattent granted by this goverment to the town of Windzor aforesaid, and hath by them for many years been quietly possessed of the same, which lands they forcibly enter upon by cutting of timber, making tarre, and turpentine, and fencing and breaking up some of the said land, to the great dam̃age of the said town of Windzor: for the prevention of which irregularities for the future, this Court orders, that a com̃ittee be appointed, to treat with the goverment of the Province of the Massachusetts Bay or a com̃ittee appointed by them for a settlment of a line between this Colonie and said Province, that so this goverment, and the town of Windzor under them, may quietly possesse and enioy what of right belongs to them, and they have so long enioyed. And these presents shall be sufficient warrant to the inhabitants of our townes of Windzor and Symsbury, for possessing and occupying (what of the premises doe belong to them and they have been long possessed of) till said settlement is obteined; the

comittee to be chosen, appointed and comissionated by the Governr and Councill.

This Court grants a rate of three pence upon the pound of all the rateable estate in this Colonie for the defraying the publick charges, to be paid in provision pay, viz. winter wheat at five shillings sixe pence pr bushell, rye at three shillings pr bushell, pease at three shillings sixe pence pr bushell, indian corn at two shillings sixe pence pr bushel, all good and merchantable, and porke at three pounds 10s pr barrell, repact by a sworn packer, and marked with his marke, but if any will pay the whole or any part of their rate in money it shall be accepted at two thirds.

It is further ordered that all debts for money borrowed for the use of the Colonie shall be paid in the same specie, and sallerye debts and other money debts for publick expences, shall be a third more to be paid in provision pay at the prizes aforesaid, viz. the salleries granted in Octobr, 1698, to the Assistants and Deputies.

This Court grants to the Honrd Governr for a sallerye this year one hundred and twentye pounds to be paid in provision pay at the prizes stated by this Court. This Court grants to the Honrd Deputye Governour for a sallerye this year the sume of sixtie pounds to be paid in provision pay at the prizes stated by this Court.

This Court grants to the Treasurer a sallerie of twentye pounds for this year to be paid in provision pay at the prizes stated by this Court. This Court doe allowe to the Treasurer twelve pounds for riding the circuit to make up his accounts [336] with the constables the year || ensuing to be paid in provision pay at the prizes stated by this Court.

This Court grants to the Secretary a sallerye of ten pounds for his service this present year, to be paid in provision pay at the prizes stated by this Court.

This Court grants to the Colonie Sherriff for his sallerye this present year the sume of eight pounds, to be paid in provision pay at the prizes stated by this Court.

This Court doe allow to Captn John Chester (Speaker) for

his pains and good conduct in the House of Representatives in May and Octob^{r}, fortie shillings in pay.

This Court doe allow to Eleazar Stent twentye shillings in pay for his Clerkship in the House of Representatives, and he to transcribe the acts of said house into the records of the house.

This Court allow to Constable Sam^{ll} Steel for seventeen days attendance upon the House of Representatives in May and October three shillings p^{r} day.

This Court confirmes John Hall of Midltown to be Capt^{n} of the trainband at the south end of the town, and Thomas Ward to be their Lieuteñant, and Sam^{ll} Hall for Ensign.

This Court confirmes Capt^{n} Nathan^{ll} White of Midltown to be Capt^{n} of the company at the north end of the said town and Lieu^{t} Francis Whitmore to be their Lieuteñant and William Sumner to be their Ensign, and doe order that all the said officers be coñissionated.

Whereas Abraham Addams of the town of Fairfield entred an appeal in the countie court at Fairfield in March last to the next Court of Assistants, from the judgm^{t} of the said countie court in an action coñenced and there depending between the said Abraham Addams as administrator to the estate of Sam^{ll} Addams sen^{r} deceased, cont^{r} Elnathan Hanford of the said town, for taking away wheat from off the land of the said Sam^{ll} Addams; the said Abraham Addams informing that he was prevented from prosecuting his appeal at the said Court of Assistants, this Court, (upon his petition) grant to him free libertye to prosecute his said appeal at the Court of Assistants in May next, he attending the method of law in such case provided.

Maj^{r} Edward Palmes addressing himselfe to this Assembly by way of dissatisfaction against the countie court at New London, there held the third Tuesday in September, 1698, for denying him an appeal from the judgm^{t} or sentence of the said court in the case there depending between himself and John Holam on the one part plaintiffs, and Fitz John Winthrop, Richard Cristophers, and Sam^{ll} Fosdick, on the other part defend^{ts}: this Assembly having considered the matter of

[337] his complaint, || doe order that the said plaintiffs shall have liberty to prosecute their appeal in the said action (without any such barre or obstruction of justice) from the judgm^t^ of Newlondon court, at the next Court of Assistants, they giving sufficient bond according to lawe to prosecute their appeal, and also citing the said defend^ts^ according to lawe, to answer them; the bond to be given to the clerk of the said countie court.

Ordered by this Court that for the year ensuing the Assistants shall be allowed for their attendance at the Generall Courts and Courts of Assistants, the sume of five shillings p^r^ day in money, or seven shillings and sixe pence in provision pay, and the same sume p^r^ day for their travail forth and home, they always bearing their own charge. Further ordered that the Deputies salleries for the future shall be three shillings p^r^ day in money, or four shillings and sixe pence in provisiō pay, and so much p^r^ day for their travail as the Court ordered in Octob^r^, 1698.

In order to the fulfilling of a former grant of land to the Reverent M^r^ Abraham Pierson, this Assembly doth grant to the said M^r^ Pierson a certain parcell of land situate aboue the north bounds of Gilford, adioyning to a parcell of land belonging to the heirs of the Rever^t^ M^r^ Joseph Eliott deceased; the southwest corner a beech tree marked A. P. ruñing up northward one hundred and thirtie rods to a walnutt tree marked there, then ruñing eastward three hundred rod to a rock-oak tree markt, then ruñing down southward, on the east end one hundred rods to an ash tree markt in a swamp, conteining two hundred and fifteen acres, allowing what ways may be needfull crosse said land, as it is bounded on the west partly on the land belonging to the heirs of M^r^ Joseph Eliott deceased, and partly on coñon land, bounded northeast and south on coñon land. Further ordered by this Assembly that a pattent for confirmation of the said land to the said M^r^ Pierson and his heirs forever be signed, sealed and delivered to him according to forme of lawe.

An order for a day of thanksgiving on the first Wedensday of November next was read and approved in Court.

Majr Edward Palmes having misbehaved himselfe before the Governr and Councill sitting in Court, slandrously and falsly accusing his Honr with speaking words tending to the defamation of a gentlman of trust; that due testimony may be born against such misbehaviour this Court doth adiudge the said Majr Edward Palmes, to pay a fine of five pounds to the publick treasurye.*

Vpon the desire of the Governrs Honr, this Assembly doth remitt Major Palmes his fine.

This Assembly leaves it to the Governr and Councill to appoint a fast upon any solem occasion.

Majr James Fitch and Mr John Butcher are by this Assembly appointed to lay out to Mr Caleb Watson the two hundred acres of land granted to him Octobr 13th, 1681, according to his grant.

Mr Wilt Pitkin, Captn John Chester, Mr Nehemiah Palmer, Captn Thomas Hart, and Captn Joseph Wadsworth, or the majr part of them, are by this Assembly chosen a comittee to [338] take care of the countries interest in || the undivided lands, and to indevour the preventing and detecting all illegall trading with the natives for land, and to implead such persons as have trespassed upon the countries land by intrusion.

Complaint being made in this Assembly by Captn Dan^{ll} Clerk and Mr Richard Edwards (as attorneys for the country constituted by the Governr and Councill) against Majr James Fitch for illegall purchasing a great tract of land of Owaneco in the Nipmug and Wabaquassett countrey, a further hearing of the said complaint is referred to the next sessions of this Assembly in May next.

Mr William Pitkin, Captn John Chester and Captn William Whiting, being a comittee appointed to state the bounds between Lebanon and Colchester, made their return to this Assembly, which is upon the file, and the confirmation of it referred to the sessions of this Assembly in May next. Their return also concerning the bounds of Lebanō is upon the file.

* The "gentleman of trust" was the King's Attorney General, Sir Thomas Trevor. The Upper House immediately ordered Major Palmes under arrest, and sent a message to the House of Representatives giving an account of the case and asking their opinion thereon. Miscell., I, 138, 139.

Capt^{n} Sam^{ll} Eels of Hingham, administrator on the estate of Sam^{ll} Coach late of Milford deceased, petitioned this Assembly for liberty to sell a small island at the mouth of Milford harbour, belonging to the s^{d} estate, for the payment of debts; the Assembly having considered his pleas doe not see cause to grant his petition.

For preventing of Fraud in concealing any part of the Estate of any Deceased Person.

It is ordered and enacted by the Govern^{r}, Councill and Representatives, in Generall Court assembled, and by the authority of the same: That if any person or persons in this Colonie shall have in his or their custodye or possession any goods or chattels belonging to the estate of a deceased person, or any bills, bonds, accounts or such other things, as may tend to disclose his or her estate, and upon demand of the same, made by the executor or administrator of such estate shall refuse to make deliverye, or to give a satisfying account thereof to the said executor or administrator, it shall be in the power of the next assistant or justice of the peace upon complaint thereof made to him by the said executor or administrator to award warrant to some fitt person, to apprehend such offender, and to bring him or her before such assistant or justice of the peace, who may bind him or her with sufficient sureties to appear at the next court of probates. And the said court of probates shall be and are hereby impowred to examine the said offender by his or her oath, upon such interrogatories touching such goods, chattells, bills, bonds, accounts and other things tending to disclose his or her estate afores^{d}, as they shall thinke meet; and that if therein the offend^{r} or offenders shall refuse to be examined upon oath or to answer fully to every interrogatory to such person or persons to be administred by the said court of probates, it shall be lawfull for the said court to comitt such offender to the common gaole there to remain untill he or she shall better conforme him or herselfe. [339] And it is further enacted by the authoritye aforesaid: That when and so often as it shall happen, that any person dyes intestate, administration of such intestates goods, and estate shall be granted to the widdowe, or next of kin to the

intestate, or both as the court of probates shall think fit, who shall thereupon take bond with sureties, of such person or persons (to whome administration is granted as aforesaid) to their own satisfaction, for his or their faithfull discharge of that worke; the like bond with sureties shall (by every court of probates granting administration upon the estate of intestates, or others whomesoever) be taken for a faithfull discharge of the same; which court of probates, shall and may proceed, to call such administrators to account for and touching the goods and estate of such deceased person whether intestate or other, and upon due hearing and consideration thereof (debts, funerall and just expences, of all sorts being first allowed) the said court of probates shall and hereby are fully impowred, to order and make a just distribution of the surplussage or remaining goods and estate of any such intestate as well reall as personall, in manner following, that is to say, one third part of the personall estate to the wife of the intestate (if any be) forever, besides her dower or thirds in the housing and land, during life where such wife shall not be otherwise endowed before marriage, and all the residue of the reall and personall estate by equall portions, to and among his children and such as shall legally represent them (if any of them be dead) other then such children, who shall have any estate by settlm^{t} of the intestate in his life time, equall to the others shares. Children advanced by settlment or portions not equall to y^{e} others shares to have so much of the surplussage, as shall make the estate of all to be equall, except the eldest soñe then surviving (where there is no issue of the first born or of any other elder soñe,) who shall have two shares or a double portion of the whole, and where there are no soñes the daughters shall inherit as coparceners; the division of the estate to be made by three sufficient freeholders upon oath *upon oath* or any two of them to be appointed and sworn by the said court of probates, unlesse where all the parties interested in any estate being legally capable to act, shall mutually aggree of a division among themselves, and present the same in writing under their hands and seals in which case such aggreement shall be accepted and allowed for a settlment of such

estate and be accounted vallid in lawe, being acknowledged by the parties subscribing before the said court of probates, and put upon record. Provided neverthelesse that where any estate in housing and lands cannot be divided among the children without great preiudice or spoiling of the whole, being so represented and made to appear unto the said court of probates, the said court of probates may order the whole to the eldest sonne, if he accept it, or to any other of the sonnes successively, upon his refusall, he paying unto the other children of the deceased, their equall and proportionable parts or shares of the true vallue of such houses and lands upon a just apprizem^{t} thereof, to be made by three sufficient freeholders upon oath to be appointed and sworn as aforesaid, or giving good security to pay the same in some convenient time as the said court of probates shall limit making reasonable allowance in the interim not exceeding sixe p^{r} cent. p^{r} annū. And if any of the children happen to dye before he or she come of age or be married, the portion of such child deceased shall be equally divided among the survivors.

And in case there be no children nor any legall representatives of them then one moietye of the personall estate shall be allotted to the wife of the intestate forever, and one third part of the reall estate for terme of life; the residue both of the reall and personall estate equally to every of the next of kin of the intestate in equall degree and those who legally represent them, no representatives to be admitted among collateralls after brothers and sisters children; and if there be no wife all shall be distributed among the children, and if no child to the [340] next of kin to the intestate || in equall degree and their legall representatives as aforesaid, and in no other manner shall any such estate be distributed to any wife, children or kindred whatsoever. And every one to whome any share shall be allotted shall give bond with sureties before the said court of probates if debts afterwards be made to appear, to refund and pay back to the administrator his or her rateable part thereof and of the administrators charges; the widdowes thirds or dower in the reall estate at the expiration of her terme to be alike divided as aforesaid, saving to any person aggrieved

at any order, sentence or decree made for the settlm^{t} and distribution of any intestate estate, or at any other order, sentence, decree or deniall that shall at any time be made and given by the court of probates, referring to the approbation and allowance of any will, grant of administration, or other matter, their right of appeal to the next court of assistants, every person so appealing giving security to prosecute the appeal with effect. Provided that all such appeals or applications shall be entred and prosecuted at the said court of assistants by such aggrieved person (if within this Colonie, or the Provinces of the Massachusetts Bay and Newyork, Colonie of Rhode Island or other parts of Newengland and of full age at the time of such court of probates declaring such order, sentence or decree,) within eighteen months after such declaration of said court of probates, or within one year after he or she come of age to choose guardians or come into this Colonie; and all persons aggrieved as aforesaid and being present either by themselves, or guardians, or having legall notice to be present at the court of probates, who shall make such distribution or approve and allow any such will, grant or deny administration, or other matter shall have liberty to make their application or appeal to the next court of assistants and to no other after.

And it is further enacted by the authority aforesaid: That if any executor or executors of the will of any person deceased knowing of his or their being so named and appointed shall not within the space of thirtie dayes next after the decease of the testator cause such will to be proved and recorded in the registers office of the same countie where the deceased person last dwelt, or present the said will and declare his or their refusall of the executorship, every executor so neglecting of his or her trust and duty in that behalfe without just excuse made and accepted for such delay, shall forfeit the sume of five pounds p^{r} month, from and after the expiration of the said thirtie dayes, untill he or they shall cause probate of such will to be made or present the same as aforesaid; every such forfeiture to be had and recovered by action or information in the court of probates in the said countie, and to be disposed of

one moitye thereof to the use of the poor of the town where the deceased person last dwelt and the other moiety to him or them that shall informe or sue for the same; and upon any such refusall of the executor or executors, the court of probates shall comitt administration of the estate of the deceased cum testamento annexo unto the widdow or next of kin to the deceased, and upon their refusall to one or more of the principall creditors as they shall think fitt.

And if any person or persons shall alienate or imbezell any [341] of the || goods or chattells of any person deceased before he or they have taken out letters of administration, and exhibited a true inventory of all the known estate of the partie deceased, all and every person or persons so acting shall stand chargeable and be lyable to the actions of the creditors, and other person grieved, as being executors in their own wrong; and the court of probates shall cause a citation to be made out unto the widdow or next of kin, and upon their neglect of appearance or refusall may comitt administration of any such estate to some one or more of the chief creditors if accepted by him or them, or others as the said court shall thinke fitt upon their refusall.

And be it farther enacted by the authoritye aforesaid: That the court of probates in each countie respectively when and so often as there shall be occasion be and hereby are impowred to allow of guardians, that shall be chosen by minors of fourteen years of age, and under twentye one years, and to appoint guardians for such as shall be within that age, taking sufficient securitye of all such guardians, for the faithfull discharge of their trust according to lawe, and to account either to the court or minor, when such minor shall arive at full age, or at such other time as the said court of probates upon complaint to them made shall see cause.

And it is further enacted by the authoritye aforesaid: That every court of probates shall upon their granting administration, upon the estate of any deceased person take bond with sureties two or more, as aforesaid in the name of the said court with this conditiō, viz, The condition of this obligation is such that if the within bounden A. B. administrator of all and sin-

gular the goods, chattells and creditts of C. D. deceased, doe make or cause to be made, a true and perfect inventory of all and singular the goods, chattells and creditts of the said deceased, which have or shall come to the hands possession or knowledge of him the said A. B. or into the hands or possession of any other person or persons for him and the same so made doe exhibitt or cause to be exhibited into the registry of the court of probates at or before the day of next ensuing, and the same goods, chattells and creditts, and all other the goods, chattells and creditts of the said deceased at the time of his death, which at any time after shall come to the hands or possession of the said A. B. or into the hands or possession of any other person or persons for him, doe well and truely administer, according to lawe, and farther doe make or cause to be made a true and just account of his said administration, at or before the day of and all the rest and residue, of the said goods, chattells and creditts, which shall be found remaining upon the said administrators account, the same being first examined and allowed of by the said court of probates, shall deliver and pay unto such person or persons respectively as the said court of probates by their decree or sentence pursuant to the true intent and meaning of this act shall limit and appoint; and if it shall hereafter appear that any last will and testament was made by the said deceased, and the executor or executors therein named, doe exhibit the same into the said court making request to have it allowed, and approved accordingly, if the said A. B. within bounden being thereunto required, doe render and deliver the said letters of administration (approbation of such testament being first had and made) in the said court, [342] || then this obligation to be void and of none effect or else to remain of full force and virtue.

And it is further enacted by the authority aforesaid: That the court of assistants which by the lawes of this Colonie is to be held in the month of May annually shall for the future after publication hereof be held and begun on the first Thursday of May yearly from year to year, any former lawe, usage or custome to the contrary in any wise notwithstanding.

And that the two countie courts añually to be holden in Newhaven for the countie of Newhaven shall be held the one on the third Tuesday in March, the other on the second Tuesday in November annually, any former lawe, usage or custome to the contrary in any wise notwithstanding.

An Act for regulating of Fees.

Be it enacted and ordeined by the Governr, Councill and Representatives, convened in Generall Court or Assembly, and it is hereby enacted and ordeined by the authority of the same: That the establishmt of fees belonging to the severall offices in this Colonie be as followeth:

Assistants and Justices fees, cash.

	ll.	*s.*	*d.*
For every attachmt or summons for action, and when bond is given 12 pence.	00	00	08
a warrant for each witnesse,	00	00	02
entring and trying an action,	00	02	08
every execution,	00	02	00
every warrant for criminals,	00	01	00
bond for appeal,	00	00	06
copie of evidences the least,	00	00	04
copie of judgment,	00	00	08
every recognizance,	00	01	00
confessing of judgment,	00	01	00
each affidavit out of court,	00	00	06
each dayes attendance at countie court to be paid out of the countie treasurye,	00	04	00
taking acknowledgmt of a deed, mortgage, or other instrumt,	00	01	00

Countie Court fees, cash.

For recieving and probate of every will and inventory of 50llls and under,	00	02	00
for every will and inventory above 50llls	00	05	00
for every quietus est,	00	02	00
for taking acknowledgment of judgmts for each,	00	01	00
for every action tried by the bench onely,	00	04	00
for every jury action, whereof 6s to the jury,	00	12	00

Court of Assistants fees, cash.

For every appeal,	00	12	00
and to the jury,	00	06	00
taking acknowledgmt of judgmt, each,	00	01	00

Clerk of Court of Assistants fees, viz. the Secretary.

	ll.	*s.*	*d.*
Entry of every action,	00	02	06
copie of each testimony,	00	00	04
every execution,	00	02	00
entry of judgmt acknowledgd,	00	01	00

Secretaries fees, cash.

For orders of publick concernmt sent out into the severall town for each copie, out the pub. treasurye,	00	02	06
for recording lawes and orders of publick concernmt in country book, each,	00	01	00
for affixing the publick seal each time,	00	02	00
when to orders of publick concernmt, comissions &c, to be paid out of the publick treasurye.			
writing each military commission.	00	01	00
writing each justices comission,	00	01	06
writing each judge of countie courts comission,	00	01	06
for every petition to the Genrll Court, and to ye Genrll Court, 12s.	00	03	00

[343] Clerk of Countie Courts fees.

Entrie of every action,	0	01	00
each quietus est,	0	02	00
entry of every judgment acknowledged,	0	01	00
recording every will and inventory of 50lls and under,	0	02	06
recording every will and inventory of above 50lls, not exceeding 100lls, and 6d pr 100 for every 100lls after the first 100, and halfe so much for copie of the same.	0	03	00
for attachmt, sumons and execution, and other things proper to him, as in the assistants and justices fees.			
for every licence and bond, (whereof ½ to the court.)	0	01	06
each letter of administratiō,	0	01	00
each bond for administrators,	0	01	00

Sherriffs and Constables fees.

Serving every sumons,	00	00	06
serving attachment, and if above one mile 3d pr mile out,	00	01	00
taking bail or bond,	00	00	08

	ll.	*s.*	*d.*
levying execution under 5 pounds,	00	01	08
and every mile out after the first mile,	00	00	03
every execution above 5[ll] not exceeding 10[ll],	00	02	00
and for y[e] miles out as aforesaid.			
every execution above ten pounds,	00	03	04
and for the miles out as aforesaid.			

Gaolers fees.

For comitment of a prisoner and discharge,	00	04	00
for diet for each prisoner p[r] week,	00	02	06
and so proportionably, he finding the same.			

And it is further ordered by the authoritye of the same: That what officer soever shall aske, demand and take any greater or other fees then are before mentioned for the matters aforesaid or any of them, and be thereof duely convicted in any court of record within this Colonie shall forfeit and pay the sume of ten pounds currant money, one moiety whereof shall be to the countrye treasurye, and the other moietye to the informer, or him that shall sue for the same in any court of record, and shall further pay unto the partie grieved, double the vallue of the excessive fees so taken.

That there may be suitable, and convenient Highways, for the comfort and necessity of people, and for Laying out new, and Turning old Highways as shall be needfull.

It is ordered and enacted by the authoritye aforesaid: That when and so often as a new highway or comon road from town to town or place to place shall be wanting and where old highways with more conveniencye may be turned or altered, upon application made to the countie court within the same countie, the said court may appoint a comittee of two or three sufficient freeholders, of the next town who shall have most occasion, of said way to enquire into the necessity and conveniencye thereof, and to make their report thereon and being judged to be of comon necessity, or conveniencye, the said countie court shall order a warrant to their countie sherriff or his deputye, to sumon a jury out of the next townes to meet at some convenient day, and place therein mentioned, to view

and lay out such highways or roads, who shall have an oath administred unto them by some assistant or justice of the peace, to lay out such way according to the best of their skill and judgm[t] with most conveniencye to the publick and least preiudice or damage to any perticular person; which having done the sherriff or his deputye is to make return thereof at the [344] next countie court in that countie where the same || highway [is] as well under his own, as the hands of the jurors, by whose oath the same is laid out, to the end the same may be allowed and recorded, and after know[n] for a publick highway.

Provided, That if any person be thereby damaged in his propriety or improved grounds, the town shall make him reasonable satisfaction, by the estimation of those that laid out the same; and if such person so damaged find himselfe aggrieved by any act or thing done by the jury either in laying out of the said way or estimate of his damages he may apply unto the said countie court for relief, before any allowance or determination be made by them, who are hereby impowred to hear and determine the same, but if no sufficient cause appear for complaint he shall pay all charges arising thereby.

And it is further enacted by the authority aforesaid: That the select-men of each town respectively be, and are hereby impowred, by themselves or others whome they shall appoint to lay out or cause to be laid out, perticular and private ways for such town onely as shall be thought necessary, so as no dammage be done to any perticular person in his land or proprietye without due recompence to be made by the town as the select men and the partie interested may aggree, or as shall be ordered by the countie court of that countie in which such town is, upon inquirye into the same by a jury to be sumoned for that purpose.

And be it further enacted by the authority aforesaid, and it is hereby enacted and ordeined: That if any person or persons shall erect or sett up any gates, rails or fence upon or acrosse any highway, countrye road, or street, or continue any such to the annoyance, and incombrance of the same (other then such as shall be allowed by the countie court within the countie) it

shall be deemed a comon nusance, and it shall be lawfull for any person or persons to pull down and remove the same.

And for better security of Maintenance for the Ministrye in this Colonie:

It is ordered and enacted by the authoritye aforesaid: That in every town, plantation or societye within this Colonie where the majr part of the housholders of any the said town, plantation or societye, who in or by lawe are an allowed societye, are aggreing in the calling and settling of a minister, such minister so called and settled, shall be and accounted the lawfull minister of such town, plantation or societye, and that all aggreements respecting the maintenance and settlmt of such minister made by the majr part of the housholders of such town, plantation or society as aforesaid shall be binding and obliging to the whole, and all of such town, plantation or societye, and to their successors, according to all the true intents and purposes thereof.

And it is further enacted by the authority aforesaid: That where this Court hath determined the bounds and limits of any society in any town or plantation in this Colonie where there are more then one societye, that in every such case all [345] persons living || within those bounds and limits and their estates lying within the same shall bear their proportion of, and be rateable according to lawe for the support and maintenance of the ministrye of that societye, any lawe, usage or custome to the contrary in any wise notwithstanding.

And whereas the Transportation of Timber out of this Colonie is found to be very preiudiciall to the publick:

It is ordered and enacted by the authority aforesaid: That henceforth there shall be no timber transported out of any township within this Colonie, such as boards, plank, slit-work timber, staves or other timber whatsoever, without license obteined from the town within whose bounds any such timber growes or grew and was gotten (which license shall be in writing under the hands of the major part of the select men of such town) upon penaltye of forfeiting such timber so

transported or shipped to be transported, or the full vallue of it, if it be proved it was transported out of any township with out liberty as aforesaid; halfe of the timber or vallue thereof to the complainer that shall prosecute his complaint to effect, and the other halfe to the treasurye of the town in whose bounds such timber grew and was gotten; and the master of any vessell that recieves on board any such timber and without license as aforesaid, shall pay a fine of five pounds for every breach of this order, one halfe thereof to the use of the town where the offence is committed, and the other halfe to the countie treasurye. Provided always that this act shall not respect such sawmills as are erected by order or liberty obteined from the Generall Court of this Colonie, or any boards, plank, staves or other timber whatsoever brought from other places into this Colonie for transportation.

Persons nominated to stand for election in May next are:

Maj^r Gen^rll Fitz John Winthrop, Colon^ll Rob^t Treat, Sam^ll Willis Esq^r, Capt^n Andrew Leet, Maj^r James Fitch, Capt^n Sam^ll Mason, Capt^n Dan^ll Witherell, Nathan^ll Stanley Esq^r, Capt^n Caleb Stanley, Maj^r Moses Mansfield, Capt^n John Hamlin, Maj^r Jonath. Sellick, Capt^n Nathan Gold, William Pitkin Esq^r, Joseph Curtis Esq^r, Richard Cristophers Esq^r, Capt^n John Chester, M^r Thomas Hooker, M^r John More, M^r John Hains.

This Cour[t] grants a rate of three pence upon the pound upon all the rateable estate in this Colonie, for the defraying of the publick charges, to be paid in provision pay, viz. winter wheat at five shillings sixe pence per bush^ll, rye at three shillings p^r bush^ll, pease at three shillings sixe pence p^r bush^ll, indian corn at two shilling sixe pence p^r bushell, all good and merchantable, and porke at three pounds ten shillings p^r barrell, repact by a sworn packer and markt with his marke; and if any will pay the whole or any part of his rate in money it shall be accepted at two thirds.

ATT A COURT OF ELECTION HOLDEN AT HARTFORD, MAY THE 9th, 1700.

Persons elected:

Majr Generll Fitz John Winthrop, Governr.
Colonll Robert Treat, Dep. Governr.

Assistants:

Captn Andrew Leet, *swor.*
Majr James Fitch,* *swor.*
Captn Samuel Mason, *sworn.*
Captn Daniel Wetherell, *sworn.*
Nathanll Stanley, *sworn.*
Captn Caleb Stanley, *sworn.*
Majr Moses Mansfield, *sworn.*
Captn John Hamlin, *sworn.*
Majr Jonathan Sellick.
Captn Nathan Gold.
William Pitkin Esqr, *sworn.*
Joseph Curtis Esqr, *sworn.*

Captn Joseph Whiting, chosen Treasurer,
Eleazar Kimberly, Secretary.

Deputies present:

For Hartford, Mr Thomas Hooker, Captn Cyprian Nickols.
For Wethersfield, Captn Robt Wells, Lieut William Warner.
For Windzor, Lieut Mathew Allin, Mr John Woollcutt.
For Newhaven, Mr John Allin, Mr Abrahā Bradley.
For Gilford, Mr Josiah Rossiter, Captn Stephen Bradley.
For Saybrook, Mr John Parker, Lieut John Clerk.
For Wallingford, Lieut Samll Hall, Serjt John Merrimā.
For Stratford, Captn James Judson, Mr Nathanll Sherman.
For Stonington, Mr Nehemiah Palmer, Mr Manasseh Minor.
For Norwalk, Mr Samll Haise.
For Milford, Lieut Joseph Platt, Serjt Joseph Peck.
For Farmingtō, Captn Thomas Hart,† Lieut Thomas Jud.
For Windham, Thomas Huntington.
For Branford, Captn Eleazr Stent.‡ Serjt Nathanll Foot.
For Glassenbury, Serjt John Hubbard.
For Norwich, Lieut Tho. Leffinwell, Ensign Solomō Tracye.
For Fairfield, Mr Samll Squire, Mr Nathanll Burre.
For Stanford, Mr Elisha Hollye.

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* Major Fitch had been left out the two preceding years, and was now elected instead of Richard Christophers.

† Speaker of the lower house.

‡ Clerk of the lower house.

For Midltown, Capt^{n} Nathan^{ll} White, Capt^{n} John Hall.
For Keñelworth, M^{r} Sam^{ll} Buell.
For Haddum, Capt^{n} George Gates, M^{r} William Spencer.
For Waterbury, Lieu^{t} Thomas Jud.
For Newlondon, M^{r} Sam^{ll} Fosdick, M^{r} William Duglass.
For Symsbury, Capt^{n} John Higlye, Serj^{t} Sam^{ll} Wilcockson.
For Lyme, Capt^{n} Will Eelye, Ensign Joseph Peck.
For Preston, Jonathan Tracie.
For Derbye, Capt^{n} Ebenezer Johnson.
For Woodbury, M^{r} John Sherman.

Maj^{r} Moses Mansfield and Capt^{n} Nathan^{ll} White were desired and appointed to return the thanks of this Assembly to the Rever^{t} M^{r} Pierson for his pains in preaching the election sermon.

Ordered by the Govern^{r} and Councill that Joseph Curtis Esq^{r} administer the oath of Assistant to Maj^{r} Jonathan Sellick and Capt^{n} Nathan Gold.

This Assembly being sensible of the great strife and contention that hath been and still continueth undetermined between his Majesties subiects of the Province of the Massachusetts and this Colonie inhabiting near those parts where the two goverments or territories doe border each upon the other, especially between the inhabitants of Southfield and Infield, on the one part, and the inhabitants of Windzor and Symsbury on the other part, and that the onely way and means to settle his Majesties subiects in peace and quiet is to procure a full settlment of the dividing line between the two goverments, which cañot be speedily effected without the concurrence of the neighbour Province: in order whereunto the Governour, Councill and Representatives in Generall Court assembled, confiding in the wisdome and fidelity of William Pitkin Esq^{r}, Capt^{n} John Chester, and Capt^{n} William Whiting, doe hereby constitute and appoint the said William Pitkin Esq^{r}, Capt^{n} John Chester, [347] || and Capt^{n} William Whiting, to be agents in behalfe of this Colonie, vested with full and ample power by comission from the Honourable the Govern^{r} to addresse themselves to the Generall Assembly to be holden at Boston the twentie ninth of this instant and to present to them their readinesse

to joyn with them in attending any equall prudent wayes and methods that may be effectuall for the full and finall settlm̃ent of the said dividing line, and also to aggree, concurre and conclude with the Generall Assembly of the said Province, or with a committee or com̃ittees by them sufficiently authorized and impowred, upon such equall and prudent ways and methods for the full and finall settlment of the said line as by the Generall Assembly of the said Province or by a com̃ittee or com̃ittees by them sufficiently authorized as aforesaid shall be proposed and consented to. And also to act and assist (with such persons as shall be by them appointed and com̃issionated) in ruñing the said dividing line, and in erecting sufficient meets and boundaries thereof. And to procure by all lawfull ways and means that the said line may become certain, fixed and visible, that so all his Maiesties subiects claiming lands abutting upon the said line may know the certain limits and bounds thereof, and that this Colonie and all his Majesties subiects within the same may peaceably and quietly possesse and enioy their severall rights and properties according to charter. And whatsoever the said agents shall lawfully doe in and about the premises by virtue of the authority hereby conferred upon them is hereby fully rattified and confirmed.

Ordered and enacted &c. That the Councill assigned to assist the Governr (or in his absence the Deputy Governour) in the intervales of the Generall Assembly shall consist of seven, viz. the Governour or Deputy Govenour and two of the Assistants at least, and the remaindr to be four able and judicious freemen as the Governour or Deputy Governr shall call to councill; who shall have power in the intervales of the Assembly to mañage the affairs of this Colonie according to charter, they not to raise men to send out of the Colonie, unlesse in case of sudden exigent, nor dispose of money.

Richard Lord of Hartford, Gent. is by this Assembly appointed Lieut of the troop in the countie of Hartford, and Alexander Allin of Windzor to be Quartermaster, and to be com̃issionated accordingly.

Ensign Nathan Andrews is by this Assembly appointed Captn of the first trainband in the town of Newhaven, Serjt

Thomas Talmage to be their Lieut, and John Bassett to be their Ensign, and to be comissionated accordingly.

Lieut Dan[ll] Sherman is by this Assembly appointed Capt[n] of the second trainband in the town of Newhaven, Ensign John Sackett to be their Lieut, and John Munson to be their Ensign, and to be comissionated accordingly.

Some of the inhabitants of Haddum having presented M[r] Daniel Brainard sen[r] to be established Capt[n] of the trainband there, this Court considering the present circumstances of the people there, doe see cause to suspend that matter till their sessions in Octob[r] next.

The acts of the Hon[ble] the Govern[r] and Councill in the intervale of this Assembly were read and well approved, by both houses, and his Hon[rs] wisdome and good conduct in mañagem[t] of the publick affairs of the Colonie, and preserving and promoting the publick interest, appearing in the said acts, acknowledged with all thankfullnesse.

Ordered by this Assembly &c, That the charges expended about the French-mens enterteinm[t] that travailed from Milford towards Albanie shall be paid out of the treasury of the Colonie, so farre as the bills signd correspond with the law.

Ordered &c, That M[r] John Sabin upon the consideration mentioned in the Lord Bellomonts letter shall be allowed the sume of five pounds out of the publick treasury.*

Liberty and full power is by this Assembly granted to Marye Ford of Newhaven, widdow and relict of Mathew Ford late of the said town deceased, to confirme to Joseph Mosse of the said town two parcells of land, which her deceased husband in his life time sold to the said Mosse and recieved of him the full vallue to satisfaction.

[348] Margerie Goffe of Wethersfield, widdow and relict of Jacob Goff late of the said town deceased, and administratrix to his estate, is by this Court impowred with the allowance and approbation of Capt[n] John Chester and Lieut William

* Mr. Sabin lived at Woodstock and had rendered good service in preventing the defection of the Wabaquassets and rendering them serviceable to the English. He had also given intelligence of a combination among the Indians to make a new insurrection and to commit fresh hostilities upon the English. War, III, 55.

Warner to sell some lands left by her deceased husband to answer some debts by him contracted.

Liberty and full power is by this Assembly granted to Richard Steer who married with Elizabeth late wife of Mr John Wheeler late of Newlondon deceased, and administratrix to his estate, with the consent of the said Elizabeth and such of the children of the said John Wheeler as are come to full age, and with the allowance and approbation of Mr Richard Cristophers and Mr Samll Fosdick, to sell some land belonging to the estate of the said John Wheeler for paymt of debts due from said estate.

Liberty and full power is by this Assembly granted to Lydia Richards of Newlondon, widdowe and relict of John Richards late of Newlondon deceased, to sell unto her eldest sonne John Richards some land she had in dower at her late husbands decease, provided that no land be sold without the approbation of Captn Danll Wetherell and Mr Richard Cristophers.

Liberty and full power is by this Assembly granted to Marie Bate of the town of Saybrook, widdow and relict of Samuel Bate late of Saybrook aforesaid deceased, to sell some part of the land belonging to the estate of her deceased husband, so much as may be necessary for the payment of debts due from said estate, acting therein with the allowance and approbation of Lieut John Clerk and James Bate.

Danll Shilton of Stratford manifesting to this Assembly that he hath suffered much losse and damage by supplying the countrye with severall provisions as rhum and other things in the Indian warre by reason he was not paid in seven years after, and petitioning this Assembly to give him some of the country land to recompence the damage he hath sustained for want of his due; upon the consideration aforesaid this Assembly doth grant to him the said Daniel Shilton two hundred acres of countrey land, provided he take it up where it may not preiudice any former grant to any plantation or perticular person.

This Assembly doth appoint Mr John Chandler of Newlondon and Lieut Aspinwal and Mr Ichabod Wells or any two of them to lay out land formerly granted by the Generall

Court, to Mr Nathanll Stanley, Captn Caleb Stanley, Captn Cyprian Nickols, and Mr Caleb Watson, according to their respective grants, they paying the charge.

This Court doth appoint Mr Samll Sherman and Mr Ephraim Stiles to lay out three hundred acres of land granted by the Generall Court to Captn Ebenezer Johnson.

This Assembly doth appoint Lieut Thomas Leffinwell and Mr Jonath. Tracye to lay out lands formerly granted by the Generall Court to Mr Anthonie Howkins according to the tenr of the said grant.

This Assembly doth grant to the Reverent Mr John James one hundred and fiftie acres of land to be taken up according to lawe in that case provided, and Mr Samll Sherman and Mr Ephraim Stiles are appointed to lay it out.

This Assembly doth appoint Captn John Higlye and Lieut Mathew Allin to lay out to Mr Henerye Woolcutt land formerly granted to him according to his grant.

This Assembly granteth full power to Captn Aron Cook and to John Skinner select-men of the town of Hartford, with the rest of the select-men of the said town, to sell about five roods [349] of meddow land and twelve acres of upland || belonging to Samll Andrews of the said town, a distracted person, for the payment of his debts and for his necessary maintenance.

Ordered and enacted by this Assembly: That the Lieut of the fort at Saybrook shall have liberty to depart the said fort, and that the said lieut shall have twelve pounds in pay to be paid out of the publick treasury for the last year. And it is further ordered that the souldiers belonging to said fort doe return to the captn of the foot company there, and be under his comand; and it is further ordered that Lieut John Clerke and Mr John Parker, shall have the care of the fort at Saybrook (untill the Gouernour order otherwise or during his Honrs pleasure) they to put in some person to mañage the same as they shall see cause, his sallerye not exceeding five pounds in pay.

Ordered and enacted &c: That the town of Windham shall be freed from paying their countrey rate for this present year 1700.

Whereas this Assembly did in October last *did* appoint and impower William Pitkin Esq^{r}, Capt^{n} Thomas Hart, M^{r} Nehemiah Palmer, Capt^{n} John Chester, and Capt^{n} Joseph Wadsworth, or the maj^{r} part of them, a comittee to enquire after all such persons as have entred upon any countrey lands without any just right derived from this Assembly; this Assembly doth continue the said comittee in that trust to proceed therein and to make their return to this Assembly in October next.

Vpon consideration that the Honrd Maj^{r} Sellick is ancient and his living remote from Fairfield the countie town, and he not able to attend the countie courts there; for the ease of said Maj^{r} Sellick, and the conveniency of said countie, this Assembly orders that Capt^{n} Nathan Gold Esq^{r} be appointed and commissionated Judg of the said court.

Ordered and enacted &c: That the Judges of the countie courts and justices of the peace and quorum in comission, and such justices as were chosen for the last year shall be continued in the exercise of their respective comissions untill the next May (unlesse Fairfield judge already altered) and that the next May and for the future there shall be an annual election of judges and justices of the peace and quorū; and the freemen in the respective townes have liberty to nominate the person or persons they would have chosen and comissionated justices of the peace and send up their names by their deputies in May yearly, and such justices to continue till others are chosen and sworn. Provided and it is always to be understood, that if the Assembly shall not see cause to confirme the persons nominated by the freemen, or any of them, it shall then be in the power of the Assembly to putt in such as they shall thinke fitt.

Whereas it is practiced amongst us that many times persons doe take up land adioyning to comon fences, and inclose the same, so that the owners of such comon fences have not liberty to come at their fences to repair them, but are accounted trespassers, or otherwise expose themselves to fine for not mending their fences: it is therefore ordered by this Assembly, that all persons owners of comon fences shall have free liberty to come at their fences either to cart fencing stuffe or to sett up

fence and mend the same when they shall be warned by the fence viewers; and the viewers of comon fences to have free liberty to view, any lawe or custome to the contrary notwithstanding. Allways provided, they take such time when it may be least damage to the owners of the said fields.

Ordered and enacted &c: That there shall be and is hereby appointed one person in each countie within this Colonie to be a Publick Surveyour for laying out of lands and for renewing the bounds of lands already laid out according to their originall grants as need shall require; who shall be sufficiently skilled in the surveyors art, and at his own charge furnisht with instruments suitable and sufficient for that service; who shall take the surveyors oath in that case provided. The persons appointed for that service who shall remain therein till this Court shall further order, are for the countie of Hartford Mr Caleb Stanley junr, for the countie of Newhaven Mr William Thomson, for the countie of Newlondon Mr John Chandler, for the countie of Fairfield Captn Jonathan Sellick.

The Surveyors Oath.

You A. B. doe swear by the great name of ye living God that you shall faithfully attend to and discharge your office of Surveyor unto which you are appointed without favour or respect to persons.

The former comittee appointed to run the bounds of Pigs-
[350] comsuck the last May || are yet continued for that worke and to make return to this Assembly in October next. The comittee appointed were Captn Daniel Wetherell, Mr William Pitkin and Captn William Eelye, they or any two of them.

Mr Thomas Hooker, Captn John Chester, Mr Peter Burre, Ensign Joseph Peck, and Captn Eleazar Stent are appointed Auditors of the countrye accounts this present year, viz. they or any four of them.

Ordered and enacted by the Governr, Councell and Representatives: That the Treasurer be and hereby he is ordered and impowred to collect and gather in all money due from any person or persons whatsoever to the Colonie, viz. excise money, powder money, and whatever else, and make return thereof to the auditors; as also to sue any person or persons that refuse to pay their just dues to the Colonie, and to make sale of any

lands taken by distresse from Majr Edward Palmes, John Martin and John Tillison.

Vpon the request of the Reverent Mr James Noyse, this Assembly doth grant to Wequatook that he shall succeed his father in the goverment of the Indians he lives with, to continue in that place upon his good behaviour during the courts pleasure.

The advice of the Reverent Mr Abrahā Pierson, Mr Timothie Woodbridg and Mr Gurdon Saltonstall, for composing the differences in Haddum, presented to the Generall Assembly, and the act of the Generall Assembly thereupon.

To the Honble the Governr and Generall Assembly of his Majesties Colonie of Connecticutt sitting in Hartford May the 9th, 1700.

We the subscribers having by your Honrs cōmand considered the case of Haddum in relation to the Reverent Mr Hobart doe humbly offer our opinions, that if the town of Haddum shall unanimously raise one hundred pounds annually for the maintenance of the ministrye in the said town fiftie of it for the maintenance of the Reverent Mr Hobart on the west side of the river, and fiftie of it for the maintenance of the minister on the east side and also if the said Mr Hobart shall release the said town of the aggreement formerly made with him, the said town at the same time confirming and making good to the said Mr Hobart the house and land in said town formerly given unto him, and the town on the west side finding the said Mr Hobart with his wood annually it will be a hopeful expedient to issue the unhappy differences that have been and still remain in said town.

Abrahā Pierson. T. Woodbridg. G. Saltonstall.

Voted in this Assembly that the methods propounded in the above report be concluded to be the issue of the differences therein mentioned with this addition, that the rates at present due to the said Mr Hobart shall be duely paid him by the respective persons in said town.

To the select-men of the town of Haddum.

Gent. The Honble the Governr and Councill doe hereby direct and appoint you or any of you with speed to call the inhabitants of your town together and to acquaint them with the propositions abovementioned which upon the petition of the Reverent Mr Hobart and upon the advice of the reverent elders abovenamed, are consented to and concluded by the Generall Assembly as the best expedient for composing of the

uncomfortable divisions that are among you, and for the promoting of your peace, which you are to indevour that they may be put in execution without delay.*

By order from the Hon^ble the Govern^r and Councill.

Sign^d Eleazar Kimberly, Sec^ry.

Hartford, May 16^th, 1700.

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[351] Att a Generall Assembly holden att Hartford, Octob^r the 10^th, 1700.

Present:

Fitz John Winthrop Esq^r, Govern^r.

Colon^ll Rob^t Treat Esq^r, Dep^t Govern^r.

Assistants present:

Capt^n Andr. Leet,	Nathaniel Stanley Esq^r,
Maj^r James Fitch,	Capt^n Caleb Stanley,
Capt^n Sam^ll Mason,	Maj^r Moses Mansfield,
Capt^n Daniel Wetherell,	Will^t Pitkin Esq^r,
	Joseph Curtis Esq^r.

Deputies present:

For Hartford, M^r Thomas Hooker, Capt^n Cyprian Nickols.
For Windzor, M^r John Woollcutt, Capt^n Mathew Allin.
For Wethersfield, Capt^n John Chester,* Capt^n Rob^t Wells.
For Newhaven, M^r John Allin, M^r Abrahā Bradley.
For Milford, Lieu^t Joseph Pratt, Serj^t Joseph Peck.
For Gilford, M^r Josiah Rossiter, Capt^n Stephē Bradley.
For Norwich, Lieu^t Thomas Leffinwel, Ensign Solomō Tracie.
For Stonington, Ensign Ephraim Minor, M^r Henrye Stephens.
For Midltown, Capt^n Nathan^ll White, Capt^n John Hall.
For Stratford, M^r Sam^ll Hawley, M^r Benja^n Curtis.
For Wallingford, Serj^t John Merriman, Serj^t Thomas Hall.
For Lyme, M^r Thomas Bradford.
For Kennelworth, Lieu^t Henry Crane, M^r Rob^t Lane.
For Branford, M^r Will^t Malbie, Capt^n Eleazar Stent.‡
For Stanford, Lieu^t David Waterbury, M^r Stephen Bishop.
For Waterbury, Lieu^t Thomas Jud.

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* Various papers relating to the differences between Mr. Hobart and the town of Haddam are in Eccl., I, 181–191.

† Speaker.

‡ Clerk of the lower house.

For Haddum, Capt^{n} George Gates, M^{r} William Spencer.
For Glassenbury, M^{r} John Hubbert.
For Fairfield, Lieu^{t} John Wakeman, M^{r} Peter Burre.
For Farmingtō, Capt^{n} Tho. Hart, M^{r} John Hooker.
For Preston, M^{r} Thomas Tracie.
For Norwalk, M^{r} Andrew Messenger.
For Saybrook, M^{r} Nathan^{ll} Lynde, M^{r} John Parker.
For Derby, Capt^{n} Ebenez^{r} Johnson.
For Newlondō, Lieu^{t} Nehem^{h} Smith, Ensign John Hough.

Att the opening of this Assembly the Govern^{rs} Hon^{r} exhibited an expresse from his Majestie bearing date February the 10th, 1699, strictly charging and requiring that all pyrates seized within this Colonie with their goods and effects be sent into England under safe custody.* Also his Majesties order bearing date the 29th day of March, 1700, for stating the line between this Colonie and the Province of Newyork, and whereby his Majestie hath placed the townes of Rye and Bedford under the goverm^{t} of Newyork†

A letter from the Right Hon^{ble} the Lords of the Councill of Trade &c, bearing date May the 27th, 1700, was read in this Assembly.‡ Also the acts of the Govern^{r} and Councill from the sessions in May last to the present sessions.

[352] *Persons nominated to stand for election in May next:*

Persons appointed to count over the vote of y^{e} freemen were, M^{r} Tho. Hooker, M^{r} John Allin, M^{r} Jn^{o} Wakeman, M^{r} Nehe. Smith.

Fitz John Winthrop Esq^{r},	Capt^{n} John Hamlin,
Colł Robert Treat Esq^{r},	Maj^{r} Jonathan Sellick,
Samuell Willis Esq^{r},	Capt^{n} Nathan Gold,
Capt^{n} Andrew Leett,	M^{r} William Pitkin,
Maj^{r} James Fitch,	M^{r} Joseph Curtis,
Capt^{n} Samuel Mason,	M^{r} Richrd Cristophers,
Capt^{n} Daniel Wetherell,	Capt^{n} John Chester,
M^{r} Nathan^{ll} Stanley,	M^{r} Thomas Hooker,
Capt^{n} Caleb Stanley,	M^{r} John Hains,
Maj^{r} Moses Mansfield,	M^{r} Josiah Rossiter.

* Foreign Corresp., I, 85.
† Id. 86, Col. Bound., II, 48, 49.
‡ For. Corresp., I, 87.

The list of estate that is rateable in y^e^ Colony and of persons:

	Estates. *lls.*	Persons.		Estates. *lls.*	Persons.
Hartford,	17844	307	Glassenbury,	02490	064
Newhaven,	16769	330	Saybrook,	06358	124
Symsbury,	02984	083	Norwich,	05480	117
Gilford,	07951	136	Midltown,	06743	182
Milford,	10775	180	Lyme,	05569	111
Wallingford,	05492	120	Stanford,	06091	100
Kennelworth,	02742	048	Branford,	04518	080
Stonington,	06199	128	Wethersfield,	11373	240
Stratford,	09883	130	Greenwich,	04109	086
Windzor,	15726	290	Haddum,	03625	100
Darbye,	02109	051	Fairfield,	12194	140
Farmington,	07348	115	Norwalk,	06125	120
Danbury,	02048	048	Preston,	02579	062
Waterbury,	01871	048	Woodbury,	02814	066
	109741			80068	

	109741		189809
	80068	N. Londō,	8722 19^s^
Tot^ll^	189809		198531 19 00*d.*

This Assembly grants a rate of three pence upon the pound to be levied upon all the rateable estate in the Colonie, according to the lists of estates presented at this present sessions with what others are to be added; to be paid in wheat, rye, pease, indian corn, and porke; winter wheat at five shillings sixe pence p^r^ bushell, rye at three shillings p^r^ bush^ll^, pease at three shillings p^r^ bush^ll^, indian corne at two shillings and sixe pence p^r^ bush^ll^, porke at three pounds ten shillings p^r^ barrell; all sorts of grain to be good and merchantable, pork to be repackt by a sworn packer and marked with his marke; and if any will pay their proportions or part thereof in money it shall be accepted at two thirds. It is further ordered that no person shall pay above one third part of his rate in rye.

This Court doth order and impower the Treasurer to take what effectuall care he can for the procuring money to discharge debts due from this Colonie in money, especially what is due to Maj^r^ Generall Wait Winthrop.

This Court doth allow to the Hon^rd^ Govern^r^ one hundred

and fortie pounds in pay for his sallery this present year, and bearing his own charges.

This Court doth allow to the Hon^rd Deputy Govern^r for his sallery this present year fiftie pounds in pay, he bearing his own charges.

This Court doth allowe to the Assistants seven shillings and sixe pence p^r day in provision pay for their attendance at the Court of Assistants and Generall Court, they returning to the publick treasury the money for fines and actions, they bearing their own charges.

[353] This Court doth allow to the Secretary ten pounds in pay for his sallerye for this present year, he bearing his own charges.

This Court doth allowe to the High Sherriff eight pounds in provision pay for his sallerye for this present year, he bearing his own charge.

This Court doth allow unto Capt^n Thomas Hart, Speaker, thirtie shillings in pay for his conduct in the Generall Court in May last.

This Court doth allow unto Capt^n John Chester thirtie shillings in pay for his conduct in the Generall Court in October.

This Court doth allow unto Capt^n Eleazar Stent fiftie shillings in pay for his Clerkship at the Generall Court in May and October.

This Court doth allow to the Treasurer for his sallerie this present year twenty pounds in provision pay.

This Court doth allow to the Treasurer sixteen pounds for riding the circuit to make up his accounts with the constables the year ensuing, to be paid in provision pay, he bearing his own charges.

Ordered that whatsoever service is done for the Colonie after the first day of May next ensuing shall not be paid out of the present levie but shall be charged upon the countrey for next years pay, and so annually.

There being no list of estate taken in the town of Newlondon and transmitted to this Assembly, it is ordered that M^r Samuel Averye, Ensign John Hough, M^r Thomas Bowles, and M^r John Plumb, and the said persons or the maj^r part of them are

hereby ordered and appointed to take a list of all the rateable estate of the said town of Newlondon, that is of all the rateable estate of the said towne that ought according to lawe to have been listed in August last, as near as they can, and to transmitt the same to the Secretary at or before the tenth of November next ensuing. And if any person or persons refuse to give a true and exact list of all their rateable estate to the gentlmen abovenamed, it shall be in their power to list their estates by their discretion, they are also to attend the same order in listing all the male persons in the said town as the law directs. The persons appointed to take the list are also to make all the rates in N. London for this year.

Ordered and enacted by the Governr, Councill, and Representatives, in Generall Court assembled, and it is hereby enacted by the authoritye of the same: That there shall be four Gramar Schools constantly kept, at the four countie townes of this Colonie, viz, at Hartford, Newhaven, Newlondon and Fairfield. And all other townes consisting of seventie families and upwards shall constantly keep up from year to year, a publick and sufficient school for the teaching children to write and read. And that all townes within this Colonie of any number of families under seventie, shall keep up yearly a publick school, for the teaching to read and write for one halfe of the year, these schools to be furnished with able and sufficient schoolmasters, according to lawe. And towards the mainteñance of the schools respectively, it is ordered, that from the Colonie rates, as the countrey rates are paid by the treasurer, shall be yearly paid fortie shillings upon every thousand pounds of the publick list of persons and estates unto the severall townes of this Colonie, and proportionably for lesser sumes, for the use of their schools as aforesaid. And if any town shall be wanting, of a sufficient and able school master as aforesaid, then for the fine they shall not have the allowance as aforesaid, but the sume of the fortie shillings upon the thousand pounds shall be paid to the publick treasurye; provided that one months want shall not be any barre to them. And it is further ordered, that the forementioned sumes for the use of the schools, shall by the treasurer be added to the

assessments of each town respectively in his order to the constables, and by the treasurers order paid by the constables to the severall school masters, and where the abovesaid allowance shall not be sufficient for the mainteñance of the school, there a sufficient mainteñance shall be made up of such estate as hath been bequeathed by any for that use, and for want thereof the one halfe to be paid by the towne and the other by the children that goe to school unlesse any town aggree otherwise. And all former orders respecting schools are hereby repealed. [354] Ordered and enacted &c.: That the lawe title Ferries, in the printed lawes page the twentie fift, be repealed, and the same is hereby repealed and made void.

Ordered and enacted &c.: That all the lawes of this Colonie that are appointed for the presse, be published in Hartford under the seal of the Colonie, with as much speed as may be, that is to say, all that have not been already published. And all the said lawes to be in force throughout this Colonie, from the first day of June next, and so forward till they are repealed.

Ordered &c.: That in printing the lawes the Charter shall be printed at the beginning of each book.

It is further ordered that Mr William Pitkin, Captn John Chester, and the Secretary be impowred, and they are hereby impowred to transmitt the revised lawes to the presse for printing, and the number of books concluded to be printed is fifteen hundred.

Ordered and enacted &c.: That the Councill assigned to assist the Governour in the intervales of the Generall Assembly shall consist of the same members and have the same power to act in all affairs of publick concernmt as was by this Assembly ordered and concluded in May last.

This Assembly having recieved a letter from the Right Honble the Lords of the Councill of Trade &c. wherein they intimate that they have not recieved answer to their letter of Aprill the twentie fourth, 1699, and this Assembly having formerly impowred the Hond Governr and Councill to return an answer thereunto, which being sent but not recieved, this Assembly doth desire and impower the Hond Governour and Councill to send a duplicate of said letter, and also an intima-

tion of the reception of a letter from the s^d^ lords, dated May 27^th^, 1700, and to return an answer to it.*

Whereas the inhabitants of Colchester and those designed to goe and settle there, meet with much discouragement in their planting and settling, by Owaneco and the Moheags, that claim land within that township; this Assembly being sensible of the difficulties they meet with, and being desirous to promote the quiet and comfortable settlment of the plantation, doe desire the Hon^ble^ the Govern^r^ with his Councill, to treat with the Moheags and to aggree with them to quitt their claim to the lands within that township, upon as reasonable termes as may be obteined, and also to advise the people and to direct them in going forward in their plantation worke. And the Worshipfull Capt^n^ Samuel Mason is desired to improve his interest in the Moheags to promote their compliance with the interest of the people of Colchester. The charge to be defrayed by the inhabitants of Colchester.

Vpon the motion of y^e^ Honourable John Winthrop Esq^r^, Govern^r^, and Maj^r^ Generall Wait Still Winthrop, this Assembly doth appoint Capt^n^ Daniel Wetherell, Capt^n^ John Hamlin, M^r^ William Pitkin, and Capt^n^ William Eelye, or any three of them, to be a com̃ittee, giving them full power and authoritye to find out and renew the bounds of a tract of land purchased by the Hon^ble^ John Winthrop Esq^r^, our late Govern^r^, of Allumps, alias Hyemps, and Mashanshawitt, Indian sachims; which tract of land is said to be situate in a place com̃only called Quinnabaug. The com̃ittee to take the best information [355] they can gett to guide them in their work, either || of any indifferent Indians, or of any other persons, and to give notice to those that border upon the land before they enter upon the worke, and to make return of what they shall doe in the premises (pursuant to the trust com̃itted to them) to this Assembly in May next.

Upon the desire of the Treasurer, this Assembly doth order that he shall have an acquittance of all demands from the countrey of all moneys or other estate of the countrey by him recived upon rate account, or for powder money, or excise, he

* Foreign Correspondence, I, 90.

having cleared accounts in referrence to those things. The acquittance to be sign^{d} by the Secretary in the name and by the order of the Assembly.

This Assembly having formerly left it to the Govern^{r} to give name to the new plantation at Quinnabaug and also to appoint them a brand for their horses, his Hon^{r} hath named the town Plainfield, and the horsbrand he hath appointed to be a triangle in this forme △, and hath given order that record be made accordingly, which is done according to his Hon^{rs} order; and the name of the said plantation is now Plainfield, and the horse brand aforesaid is the proper brand for branding of horses in the said plantation.

This Court being informed that the house that is within the fort at Saybrook is out of repair and in danger of falling if some charge and cost be not expended, doe therefore order and enact that the said house shall be repaired upon the publick account of the Colonie, and M^{r} John Parker and Licu^{t} John Clerke shall have the care and oversight of the worke.

Whereas differences between Lebanon and Colchester, hath proved much to the preiudice of both places and impedimentall to their comfortable proceedings in the settlment thereof, these proposalls are the nearest that can be aggreed unto which here follow, viz. that Colchester shall extend itselfe from Norwich southwest bounds one mile northward by Norwich line, from thence to ruñe a direct line, falling halfe a mile below the midle of the island in a pond called the north pond. These are the bounds aggreed upon between Lebanon and Colchester by us, Joseph Parsons for Lebanon, for Colchester Nathaniel Foot, Michael Tainter.

The line abovementioned propounded to be the bounds between Colchester and Lebanon, and aggreed upon by the parties above named, is by this Assembly approved and confirmed to be the standing divident line between the above named townes. The rest of the bounds of Lebanon to be according to the return of the comittee in the year 1699.

This Assembly doth grant to the inhabitants of the town of Lebanon all such immunities, priviledges and powers, as generally other townes within this Colonie have and doe enioy.

Ordered and enacted &c.: That the rates for defraying of charges in the town of Lebanon shall be raised upon the impropriated lands of the town for three years, unlesse the majr part of the inhabitants of the town order otherwise.

Free liberty is by this Assembly granted to the inhabitants of the town of Lebanon to embody themselves in church estate there, and also to call and settle an orthodoxe minister to dispence the ordinances of God to them, they proceeding therein with the consent of neighbour churches as the lawe in such cases doth direct.

Ordered and enacted: That all rates in the towne of Windham shall be raised upon the persons and estates in the said town according to lawe as in other townes, any former lawe, order or custome to the contrary notwithstanding.

This Assembly recieving an expresse from his Majestie that the line between Newyork Province and this Colonie be as the settlment or concession by our comissioners made November the 23, 1683, doe order that a signification thereof be sent to the inhabitants of Rye and Bedford, signed by the Secretary, [356] that they are freed from duty to this goverm^{t} and || that they are under the goverm^{t} of Newyorke.

In case the goverm^{t} of Newyorke shall desire the line between their Province and this Colonie to be renewed by persons appointed by both goverm^{ts}, this Assembly doth appoint and impower Capt^{n} Jonathan Sellick, Lieu^{t} David Waterbury and Lieu^{t} Sam^{ll} Peck, to joyn with those appointed by the goverm^{t} of Newyork in ruñing said line and erecting boundmarks.

This Assembly having formerly granted to the volunteers in the late Narragansit warre a tract of land for a plantation where it might be conveniently found, and some of the said volunteers having been out upon the discoverye, and having pitcht upon a tract of land situate and bounded as followes, viz. to beginne at the pond at the head of Pauckatuck River, and from thence to ruñe a north line to the road that goeth from Norwich to Greenwich, from thence a west line to Preston bounds, then bounded by Preston and by Stonington bounds to Pauckatuck River, and then bounded by said

river to y^e^ said pond. The said volunteers desiring a confirmation of the said land to them for a township, made their return to this Assembly by Capt^n^ Sam^ll^ Mason, Lieu^t^ James Averye, and M^r^ John Gallop, who were appointed a comittee to view and find out a tract of land for the use aforesaid, and to make report thereof. And Lieu^t^ Thomas Leffinwell, Lieu^t^ Richard Bushnell, Isaac Wheeler, Caleb Fobes, Sam^ll^ Bliss, Joseph Morgan and Manasseh Minor, in behalfe of the rest of the volunteers, moved this Assembly for a confirmation of the said tract of land to the said volunteers for y^e^ use aforesaid. This Assembly having considered the matter of their request doe grant the same so farre as it concurres with the former act of the Generall Assembly. Provided it bring not the Colonie into any inconvenience.

This Assembly having considered the petition of M^r^ Thomas Hooker for a confirmation of a certain parcell of land, by estimation 300 acres, situate on the east side of the great river in the township of Hartford, aliened to his granfather by M^r^ William Whiting for 3 acres of meddow adioyning to the homestid of said M^r^ Whiting, together with the evidences of the said exchange, and conveyance of said 300 acres of land to his said grandfather, and also that the said M^r^ Thomas Hooker hath solemnly entred upon the said land (no other person being in possession of it) and hath according to lawe taken possession of it as heir to his said grandfather, doe declare that according to what doth appear to them, the said M^r^ Thomas Hooker hath the best title to the land of any man, and having made solemne entrie into it as aforesaid, doe judge the possession of the land to be in him, and doe order that the said M^r^ Thomas Hooker shall quietly and peaceably possesse and enioy the said three hundred acres of land without molestation from any person, except it be in an orderly course of lawe.

Isaac Johnson of Midltown presenting a petition to this Assembly wherein he complains that he the said Johnson hath been iniured or wronged in that there hath been a considerable part of a tract of land taken uniustly from him, and he petitioning that return of said land may be made to him, this

Assembly doe appoint Capt^{n} Rob^{t} Wells, Lieu^{t} Mathew Allin, and M^{r} Caleb Stanley, surveyor for the countie of Hartford, to be a comittee to make inquirie into that matter, by surveying of said land, or any methods they may thinke needfull in order to finding out the right of the matter, at the proper cost of the s^{d} Isaac Johnson, and to make returne thereof to this Assembly in May next.

[357] M^{r} Edward Pelham, as atturney for John Sad son of John Sad late of Hartford deceased, petitioning this Assembly for admittance to lay before them some reasons why the said Sad is dissatisfied at the settlment of the estate of his father, that there might be another consideration of that matter, and relief granted to him in those perticulars wherein he apprehends himselfe to be iniured: this Assembly being certified that the persons concerned in said settlment were not cited according to lawe to appear before this Assembly to hear what might be obiected against the settlment aforesaid, that they might have oportunitye to replye thereunto, doe returne that the lawe will not admitt of a further hearing and consideration of the matter conteined in the said petition at this sessions.

Liberty and full power is by this Assembly granted to Sarah Bidwell, widdowe and relict of John Bidwell late of the town of Hartford deceased, to convey and confirme to John Marsh jun^{r} of the said town one certain parcell of land situate in the said town, conteining about halfe an acre or lesse, which the said John Bidwell bought of Thomas Long, and also the one halfe part of a grist-mill and of a saw-mill and fulling-mill situate in Hartford aforesaid, and whereof the said John Bidwell died seized. This liberty and power is granted to the said Sarah upon her petition, and the petition of her eldest son John Bidwell, and in consideration that the estate in the said mills is in a wasting way, the mills being much out of repair.

Liberty is by this Assembly granted to Izrahiah Whitmore of the town of Midltown, administrator to the estate of Jonathan Gilbert late of the said town deceased, to make sale of so much land of the estate of the said Jonathan Gilbert, as is needfull for the payment of so much of the debts as were due

from the said estate at the decease of the said Jonathan, which the personall estate will not reach to discharge. Provided the said administrator proceed in making such sale of lands with the advice and consent of Capt^{n} Nathan^{ll} White and Capt^{n} John Hall.

Libertye is by this Assembly granted to Miriam Gillett, relict of Jonathan Gillet late of Windzor dec^{d}, to make sale of halfe an acre of land that was her deceased husbands part or portion in the estate of his brother Jeremiah Gillett, which land was distributed by the court of probates to her the said Miriam and her heirs forever.

Whereas Maj^{r} Edward Palmes, Lieu^{t} James Averye and Lieu^{t} John Morgan all of Newlondon, did present a paper in the Generall Assembly sitting in Hartford May last, conteining severall articles, alledging divers things against the Reverent M^{r} Gurdon Saltonstall, with referrence to his settlm^{t} in the office of the ministrye in Newlondon, which they desired the Generall Court to take order about; and the said Gurdon Saltonstall having by petition complained to this Generall Assembly, as being iniured and defamed by the said persons, and also laid before the Court the whole state of his settlment in the ministrye at Newlondon by presenting the votes of the said town relating thereunto, and prayed the judgm^{t} of this Court thereupon: This Court in compliance with these requests having given oportunitie to the said persons to offer (in the said premises) what they see cause, doe see good to declare, and doe hereby declare, the said M^{r} Gurdon Saltonstall free from those iniuries and wrongs charged upon him in the said paper, and undeserving of the same, and doe approve of the votes of the town of Newlondon, relating to the aforesaid settlm^{t} of the Reverent M^{r} Gurdon Saltonstall as aggreeable to the lawes of this Colonie.

M^{r} Mathew Griswold of the town of Lyme complaining that [358] all || those deeds and writings which doe concern all or any of the lands that did belong to his father M^{r} Mathew Griswold in his life time both in old England and new, are witheld, so that they cannot be entred upon the publick records: this Assembly orders and impowers the judge of the

countie court of Newlondon upon the desire of the said Mathew Griswold to sum̃on any person or persons upon good grounds suspected and nominated by said Griswold to appear at the court of probates, and there to examine such suspected person or persons under oath upon such interrogatories as may tend to discover where or in whose custodye any such deed or deeds are kept or concealed. And if any such suspected person or persons being brought before the said court shall refuse to answer upon oath to all such necessary interrogatories as shall be propounded to him or them concerning the premises, it shall be in the power of the judge of the said court of probates, and he is hereby ordered to comitt such person or persons to the com̃on gaole, there to remain at their own charge untill he or they shall better conforme themselves. And the said judge having discovered where the said deeds or writings or any of them are, is hereby ordered and impowered by all lawfull means to constrain such person or persons to deliver up such deeds or writings into the said court of probates or to the said Mathew Griswold, as the said judge shall in his discretion thinke most convenient, that so they may be entred in the records; and the said judge shall order cost and charge according to lawe. The priviledge of appeal to the Govern^r^ in Councill is hereby saved to any person aggrieved at the order or sentence of the judge of the said court.

Thomas Hancocks complaining that this Colonie is indebted to him for the transportation of sixtie men from Rhode Island to the main in the year 1675, for which he did never recieve any recompence, this Assembly doth allow said Hancocks five pounds in pay out of the countrey rate this year; provided that M^r^ Nathan^ll^ Stanley and Capt^n^ Caleb Stanley doe make search in the comissaries books, and if they find he hath had any meet satisfaction he shall not have any further pay.

Upon the request of Ensign Joshua Hogkiss of Newhaven, who was wounded in the Colonie service in the eastern warre, and therby in a great measure disabled from hard labour, this Court doe allow to him the said Hogkisse, the sum̃e of three pound in pay out of the countrye rate this year, notwithstanding any former relief he hath had from the publick treasurye.

James Wright of Saybrook refusing to give a list of his estate when demanded by the listers of the said town, the estate of the said Wright anno 1699, being one hundred and seventie pounds, it is now ordered that thirtie pounds be added to his last years list, and that he be listed this year at two hundred pounds, which shall be added to Saybrook list.

And whereas Edward Shipman of Saybrook hath neglected to give in a list of his estate to the listers, and his estate last year being 52^{lls} 10^{s}, it is ordered that the said Shipman be listed this present year fiftie two pounds ten shillings, and added to Saybrook list.

[359] The souldiers that were sometime listed under Capt^{n} John Prentice to serve at the fort in Newlondon, are by this Assembly ordered to be dismissed from said Capt^{n} Prentice, and to be listed and serve under the respective captains of the town of Newlondon.

Ensign William Sumner is appointed Lieuteñant, and Serj^{t} John Savage Ensign of the north trainband in Midltown, and to be comissionated accordingly.

This Assembly doth accept of M^{r} Benjamin Griggs in stead of any other appointed by this Court to survey or lay out to Capt^{n} Caleb Stanley two hundred acres of land formerly granted to him.

Whereas the Generall Assembly hath formerly granted to the Revert M^{r} Thomas Buckingham, minister of the gospel in Hartford, two hundred acres of land, and there is laid out for him by M^{r} Burcher a tract of land bounded south upon a great pond, beginning at a grey oak, at the southeast corner, ruñing near west one hundred and eighty perch, thence ruñing north sevenscore perch to Quinnabaug River, then ruñing east one hundred and eighty perch; this Assembly approves of this laying out, provided the land be laid out according to former grant.

This Assembly doth impower Lieu^{t} Curtis and Serj^{t} John Mitchell of Woodbury, to lay out two hundred acres of land unto M^{r} Josiah Rossiter, which of right and grant did belong to his deceased father, provided it preiudice no former grant. And a return to be made to the Generall Court within sixe

months after it is laid out. The said Mr Rossiter to pay the charge.

This Assembly grants liberty to the inhabitants of Haddum that dwell on the east side of the great river to imbody themselves in church estate, provided they attend the order and direction of law in their proceedings, with the concurrance of neighbour churches.

Mr John Allin of Windzor presented a petition to this Court complaining that he is likely to be greatly wronged in his estate by an act of the Generall Court holden at Hartford May 13th, 1697, appointing one hundred pounds to be paid in lands out of the estate of his father Captn Thomas Allin decd, unto Mathew Allin his eldest sonne. His petition being heard and considered, together with his pleas and allegations, and the replies of his brother Mathew Allin, this Court doth declare that they doe not see cause to make any alteration of what hath formerly been ordered and appointed to the said Mathew Allin by the Generall Court aforesaid.

Mr John Blackleech of Hartford presented a petition to this Assembly for another triall (in a course of law) of his title to a certain parcell of land formerly belonging to Benjan Herbert, and in contest between him and Captn William Whiting. The Upper House did not see cause to grant his petition.

Lieut Abraham Brownson presented a petition in this Assembly and a complaint against Mr Mathew Griswold of the town of Lyme, and cited said Mathew Griswold to answer him. His petition not being granted, the Upper House allowed to Mr Mathew Griswold twelve shillings in pay for his cost of attendance at this Assembly. Execution granted for this sume to be levied upon the estate of the sd Lieut Brownson.

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[360] Att a Court of Election holden at Hartford, May the 8th, 1701.

John Winthrop Esqr was chosen Governour for the year ensuing, and Colonll Robert Treat, Dept Governr.

Assistants chosen were:

Captn Andrew Leet,	Captn Jno Hamlin,
Major James Fitch,	Captn Nathā Gold,
Captn Samll Mason,	Mr Williā Pitkin,
Captn Danll Wetherell,	Mr Joseph Curtis,
Nathanll Stanley Esqr,	Captn John Chester,
Majr Moses Mansfield,	Mr Josiah Rossiter.*

Treasurer, Captn Joseph Whiting.
Secretary, Eleazar Kimberly.

Present in the Generall Assembly:

Fitz John Winthrop Esqr, Governr,
Colonll Robert Treat Esqr, Deput Governour.

Assistants present:

Majr James Fitch,	Captn Nathan Gold,
Captn Samll Mason,	Captn John Hamlin,
Captn Danll Wetherell,	Mr William Pitkin,
Nathanll Stanley Esqr,	Mr Joseph Curtis,
Major Moses Mansfield,	Captn John Chester.

Deputies present:

For Hartford, Mr Thomas Hooker, Captn Aaron Cook.
For Windzor, Mr John Woolcutt, Mr John Elliott.
For Newhaven, Mr Jeremiah Osborn, Mr Tho. Tammage.
For Fairfield, Mr Peter Burre,† Lieut James Bennet.
For Newlondon, Lieut Nehem. Smith, Mr Samll Rogers.
For Milford, Mr Tho. Clerke, Mr Joseph Peck.
For Branford, Mr William Malbie, Captn Eleazar Stent.‡
For Waterbury, Lieut Tho. Jud, Deacō Tho. Jud.
For Stamford, Lieut David Waterbury, Mr Elisha Hollie.
For Lyme, Lieut Abrā Brownson.
For Wethersfield, Lieut James Treat.
For Symsbury, Captn John Higlye, Mr Samll Wilcockson.
For Norwalk, Mr Samll Haise.
For Kenelworth, Mr Samll Buel, Deacō John Griswold.

* Capt. Chester and Mr. Rossiter were chosen instead of Capt. Caleb Stanley and Major Sellick.

† Speaker.

‡ Clerk of the lower house.

For Windham, Ens. Jonath. Crane.
For Norwich, Mr John Tracie, Mr Solom. Tracie.
For Gilford, Captn Steph. Bradley, Lieut Abrā Fowler.
For Greenwich, Mr John Hubbie, Mr Tho. Close.
[361] || For Glassenbury, Deacō Jonath. Smith.
For Saybrook, Lieut John Clerke, Mr Nathanll Chapman.
For Midltown, Captn Nathanll White, Captn John Hall.
For Haddum, Captn George Gates, Mr Daniel Brainard.
For Stratford, Captn James Judson, Mr Ben. Beach.
For Derby, Captn Ebenezer Johnson.
For Wallingford, Serjt Jno Merriman, Mr John Hall.
For Preston, Mr Joh. Parks, Mr Tho. Tracie.
For Stonington, Ens Ephraim Minor, Mr Henerie Stephens.
For Farmingtō, Mr John Hooker, Mr Tho. Bull.

Acts past in this Assembly.

Whereas for severall weighty reasons a stoppe hath been put to the publication of the new Revised Lawes, which were by an act of the Generall Assembly in October last ordered to be in force in June next: It is now ordered and enacted by the Governour, Councill and Representatives, in Generall Court assembled, and by the authoritye of the same: That the said act be repealed, and the same is hereby repealed and made void; and that all the lawes of this Colonie that were in force at the time of making the said act shall be revived and continued, and the same are hereby revived and continued to be and remain in their full force and virtue for the future.

Whereas the Generall Courts and Courts of Assistants have formerly in a constant way been holden at Hartford in the months of May and October annually: It is now ordered and enacted by the Deputy Governour, Councill and Representatives, in Generall Court assembled: That the Generall Court and Court of Assistants shall be holden at Hartford in the month of May onely from year to year, and that the Generall Court and Court of Assistants that formerly hath been accustomed to be kept at Hartford in the month of October shall be annually kept at Newhaven at the time accustomed for the sitting of those courts, viz. the Court of Assistants on the first Thursday in the month of October, and the Generall

Court on the second Thursday in the same month, any lawe, usage or custome to the contrary notwithstanding.

It is further ordered: That the lists of persons and estates in the severall townes in this Colonie shall be transmitted to Newhaven by the respective representatives of each towne, and exhibited in the Generall Assembly there upon the first day of the sitting of the Assembly; and that all books of record, and other writings, and whatsoever may be of necessary use in the Generall Assembly or Court of Assistants, shall be seasonably transmitted to Newhaven for the countries service.

[362] And it is further enacted by the authoritye aforesaid: That when the Generall Assembly shall be holden at Newhaven, the deputies in the countie of Newhaven shall be allowed for one dayes travail out and home, and the deputies for the counties of Hartford and Fairfield shall be allowed for two dayes travail out and home, and the deputies for the countie of Newlondon shall be allowed for three dayes travail out and home; and all Assistants and deputies ferrig when they are upon the countries service shall be upon the Colonie charge.

Whereas by reason of the extremitye of the season the Court of Assistants could not be held and kept at the time by lawe prefixed for the sitting of the same in Hartford, viz^{t}, on the first Thursday of this instant month of May, for which if due provision be not made great delay of justice and consequently great expences to the suitors in the said Court will ensue; therefore for the reviving and continuing of all manner of actions or pleas lately depending, and all manner of processe that were returnable or depending in the said Court, and which were discontinued and put without day by the not holding the said Court,

Be it enacted and ordeined by the Dep^{t} Governour, Councill and Representatives, in Generall Court assembled, and it is hereby enacted by the authoritye of the same: That all pleas, writts, actions, suits, plaints, process, precepts, or other things whatsoever that were returnable or had daye or dayes in the said Court of Assistants to have been holden and kept as aforesaid shall stand continued and be revived, and are hereby

continued and adiourned unto, and shall and may be pleaded, heard and proceeded upon at the next Court of Assistants to be holden at Newhaven in October next ensuing.

And that all parties that had day by any pleas, writts, bills, actions, suits, plaints, process, precepts, or other thing or things whatsoever, at or in the said Court to have been kept at Hartford as aforesaid, shall respectively appear at the said next Court of Assistants to be holden at Newhaven, under the penaltie of forfeiting any obligations or recognizances conditioned for the appearance of the said parties, at the aforesaid Court in Hartford in this instant month, or under any other penaltie that might have incurred upon the said parties for not appearing at the said Court of Assistants to be holden in this instant month in Hartford, if the same had been there held and kept.

Provided, That where it happens, any person or persons being principalls that were under bond, obligation or recognizance for appearance at the said Court of Assistants to have been holden at Hartford in this instant month, as aforesaid, are since removed, and gone beyond sea, or out of this Colonie, and shall not be returned before the sitting of the next Court of Assistants to be holden at Newhaven, it shall be in the power of the said Court of Assistants to be holden at Newhaven, upon motion made in that behalfe, and they are accordingly to allow a continuance of any such bond, obliga- [363] tion || or recognizance to such further time as shall be thought necessary, that no persons concerned may be surprized, or have advantage unreasonably taken against them.

Ordered and enacted &c.: That the lawe made May the 11th, 1699, intitled an Act for regulating Retailers of Drinke, be repealed, and the same is hereby repealed and made void.

Ordered and enacted &c.: That the lawe made May the 12th, 1698, forbidding the killing of Deer at certain seasons of the year, be repealed, and the same is hereby repealed and made void.

Ordered and enacted &c. as an addition to the lawe, title Herding of Sheep, made May the 14th, 1674: That in every towne where the majr part of the owners of sheep shall aggree

to hire a shepheard to keep the flock of sheep, every man that is owner of sheep shall pay according to his proportion of sheep, whether he put them to the comon flock or not, any lawe of [*or*] custome to the contrary notwithstanding.

Ordered and enacted &c: That the lawe respecting Comon Fences (wherein it is said that the fence viewers shall make or mend defective fences, and have double pay of the owners of such fences) be repealed, and it is hereby repealed; and it is further ordered, that the printed lawe respecting fences, with what is in the manuscripts as addition thereunto, be in force in this Colonie, any lawe to the contrary notwithstanding.

Ordered and enacted: That the major part of the proprietors in any parcell of land, that hath been improved in comon in any towne, shall have power (with the advice of the major part of the select-men in said towne) to determine where the comon fence of said land shall runne; provided it shall not make void any written agreements between the proprietors, or wrong any persons in their properties.

Ordered and enacted by the Deputy Governour, Councill and Representatives, in Generall Court assembled, and by the authoritye of the same: That such justices of the peace and quorum, that have been in comission and are again chosen for this year, shall act by virtue of their comissions formerly received untill the next May. And it is further ordered that a copie of the comission for justices shall be sent forth by the Secretary to each towne as other orders of this Court, and published, which shall for the future be a full comission for all justices annually chosen.

Judges appointed.

Nathan[ll] Stanley Esq[r] is appointed Judge of the Countie Court and Court of Probates in the Countie of Hartford.

Major Moses Mansfield is appointed Judge of the Countie Court and Court of Probates in the Countie of Newhaven.

Capt[n] Daniel Wetherell is appointed Judge of the Countie Court and Court of Probates in the Countie of Newlondon.

Capt[n] Nathan Gold is appointed Judge of the Countie Court and Court of Probates in the Countie of Fairfield.

Justices of the Peace and Quorū appointed in y^e^ Countie of Hartford are:

John Hains Esq^r^,	Capt^n^ Tho. Hart,
M^r^ Henerie Woolcutt,	M^r^ John Hooker,
M^r^ Tho. Hooker,	M^r^ John Elliott.

[364] *Justices of the Peace appointed for the Countie of Hartford are:*

Capt^n^ Nathan^ll^ White,	Capt^n^ George Gates,
Lieu^t^ James Treat,	M^r^ Dan^ll^ Brainard,
M^r^ John More,	Lieu^t^ Tho. Judd,
Capt^n^ John Higlie,	Eleazar Kimberly.
M^r^ Joshua Riplye,	

Justices of the Peace and Quorum appointed for Newhaven Countie are:

M^r^ Jeremiah Osborn,	M^r^ William Malbie,
M^r^ John Allin,	Capt^n^ Eben^zr^ Johnson.
M^r^ Tho. Clerke,	

Justices of the Peace appointed for the Countie of Newhaven are:

Capt^n^ Sam^ll^ Newton,	M^r^ John Hall,

Justices of the Peace and Quorum appointed in the Countie of Newlondon are:

M^r^ Richard Cristophers,	M^r^ Nathan^ll^ Lynde,
M^r^ Nehem^h^ Smith,	M^r^ Dan^ll^ Tayler.
Capt^n^ Williā Eeelye,	

Justices of the Peace for the Countie of Newlondon are:

M^r^ Nehem^h^ Palmer,	M^r^ Jonath. Tracye,
M^r^ John Tracie,	Lieu^t^ Henerye Crane.

Justices of the Peace and Quorum appointed for the Countie of Fairfield are:

M^r^ Richard Blackleech,	M^r^ Mathew Sherwood,
M^r^ John Wakeman,	M^r^ Peter Burre.

Justices of the Peace appointed for the Countie of Fairfield are:

Capt^n^ James Olmstid,	M^r^ Sam^ll^ Hoyt,
Capt^n^ John Minor,	M^r^ Sam^ll^ Peck,
Capt^n^ James Judson,	M^r^ James Beebe,

M^r^ Ichabod Wells is by this Assembly appointed High Sherriff of the Colonie during y^e^ Courts pleasure.

This Assembly doth impower Capt^{n} William Whiting to act so farre in the office of High Sherriff as to goe through with the worke of serving two executions, one upon the constables of Windzor, the other upon Isaac Wheeler of Fairfield.

Capt^{n} John Chester, M^{r} Thomas Hooker, M^{r} Jeremiah Osborn, Lieu^{t} John Clerk, and M^{r} Peter Burre, or any four of them, are chosen auditors to audit the Colonie accounts for the year past.

Capt^{n} John Hamlin, Capt^{n} John Chester, M^{r} John Tracie, M^{r} John Elliot, and M^{r} Jeremiah Osborn, were by this Assembly appointed a committee to consider the letters lately sent from England, and to prepare answers to them.

The letters and writings drawne by the worthy comittee to [365] be sent || into England, are by this Assembly submitted to the Honrd Governour in Councill to make such additions and alterations therein as his Hon^{r} and Councill shall judge fitt and necessary; and this Assembly doth leave it to his Hon^{r} in Councill to make returnes to his Majestie and the Right Hon^{ble} the Lords Comissioners of Trade, upon the letters and orders that have lately come from England, in such time and maner as to his Honour in Councill shall seem most fitt and convenient, and to signe the letters that shall be sent in the name of the Governour and Companye.

Consented to and concluded by this Assembly, that the Councill assigned to assist the Governour, or in his absence the Deputy Governour, in the intervale of the Assembly shall consist of two of the Assistants at the least, and four able, judicious freemen, such as the Governour, or in his absence the Deputy Governour, shall call to Councill; who shall have power in the intervales of the Generall Assembly to mannage the affairs of this Colonie according to charter, they not to raise men to send out of the Colonie unlesse in case of exigencye, nor to dispose of money.

This Assembly doth again comitt the comand and ordering of the forts at Newlondon and Saybrook both for reparation of them, and for appointing and comissionating of captains and other officers, and ordering all matters respecting them,

whereby they may become serviceable for the defence of the countrey, to the wise conduct of the Governours Hon^r.

This Assembly doth also grant that there shall be an expence of money out of the publick treasurie of the Colonie not exceeding an hundred pounds in pay, for the repairing of the forts at Newlondon and Saybrook, and also that what powder money is paid to them shall be improved for the same use; the whole of the money to be disposed of according as the Governours Honour shall direct for the end aforesaid.

The acts of the Governour and his Councill in the intervale of the Generall Assembly since October last, being read and considered in this Assembly were well approved of, and his Hon^rs good conduct therein acknowledged with all thankfullnesse.

The Governour and Councill doe order and appoint the Treasurer of the Colonie, and he is hereby ordered and appointed with all possible speed to procure eight barrells of gun powder and lead proportionable for the service of the Colonie; the powder and lead to be by him divided into four equall parts and delivered to the treasurers of the counties respectively, that is to say, to the treasurer of each countie one fourth part thereof, to be deposited in the head townes of each countie and there safely preserved for the use of the Colonie as aforesaid.

Ordered by the Assembly, that all letters from his Majestie and other letters of publick concernment, that may be of good use for the goverment in future time be entred in a book provided for that purpose, at the charge of the countrey.

This Assembly doth appoint and impower William Pitkin Esq^r, Capt^n Thomas Hart, Nehemiah Palmer, Capt^n John Chester, Capt^n Joseph Wadsworth, and Serj^t Caleb Stanley, or any three of them to be a committee in behalfe of this corporation to make diligent search and inquirie after all such [366] persons as have made any unlawfull || entries upon any of the countries land, not having a just right thereunto by grant from this Assembly; especially after such persons as have made any unlawfull entries upon the lands situate in the northeast parts of this Colonie; to continue in that service

during the Courts pleasure, and to make presentment from time to time in this Assembly of all persons that they shall find guiltie of making such unlawfull entries and incroachments upon the countries lands as is beforementioned.

This Assembly doth allow to the Treasurer twentie pounds in pay for his riding the circuit to make up the Colonie accounts with the constables this year.

Capt^{n} John Hamlin and Capt^{n} Aaron Cook are by this Assembly desired and appointed to return the thanks of this Assembly to the Reverend M^{r} Webb for his pains in preaching the election sermon, and to desire him to grant a copie that it may be printed.

It is ordered by this Assembly, that the election sermon that was last preached by the Reverent M^{r} Samuel Hooker be also printed upon the charge of the Colonie, the Treasurer to take care that the copies be transmitted to the presse.

Ordered by this Assembly, that the second Wedensday in June next shall be kept throughout this Colonie a day of fasting and prayer, and that the Secretary by himselfe or with the assistance of any minister he shall advise with, shall draw a bill for the same and transmitt it to the severall townes in this Colonie.

The person[s] hereafter named are appointed to be military officers in the respective townes to which they belong, and to be comissionated accordingly: Thomas Wells is appointed to be Captain of the trainband at the north part of Wethersfield, Benjamin Churchell to be their Lieuteñant, and William Goodrich to be Ensign of the same companye.

Thomas Gates is appointed to be Ensign of the trainband on the east side of the great river in Haddum.

James Wells is appointed to be Ensign of the trainband on the west side of the great river in Haddum.

Thomas Lee sen^{r} is appointed to be Ensign of the trainband in the towne of Lyme.

Mathew Allin is appointed to be Captain of the trainband in Windzor upon the south side of the riverett, and Job Drake to be their Lieutennant.

Richard Bushnell is appointed to be Captain of the train-

band in the town of Norwich, Solomon Tracie to be their Lieutenant, and Thomas Leffinwell to be their Ensign.

Samuel Howard is appointed to be Ensign of the trainband in the town of Hartford upon the south side of the riverett.

Ordered and enacted by this Assembly: That the rates for defraying of the publick charges of the ministrye and all other publick charges in the town of Plainfield for the present and [367] till further order shall be levied upon || the polls, stocks, and all the improved lands of the township, and that suitable persons be chosen by the inhabitants of the towne to size all the improved lands within their towneship that there may be an equall proportion observed in raising money upon them.

The comittee appointed by this Assembly in October last to find out and renew the bounds of a tract of land purchased by the Hon^{ble} John Winthrop Esq^{r}, our late Governour, of Allumps alias Hyems, Aguntus and Ma-Shanshawitt &c. Indian sachims, which tract of land is said to be situate in a place comonly called Quinnabaug, and to make return to this Assembly, being prevented by the unseasonablenesse of the weather from doing that worke; this Assembly upon the motion of the Hon^{ble} John Winthrop and Wait Still Winthrop Esq^{rs} doe now appoint Capt^{n} Dan^{ll} Wetherell, Capt^{n} John Hamlin, M^{r} William Pitkin, Capt^{n} William Eelye, M^{r} Richard Lord, Capt^{n} Mathew Allin, and Serj^{t} Caleb Stanley, or any three of them, to performe that worke, and to make return thereof to this Court in October next; the comittee to take the best advice they can gett from any indifferent persons, either Indians or English, to guide them in their worke, and to give at the least three dayes warning to Norwich people, or to such of them as are proprietors, or claim land adiacent, or to M^{r} Tracie onely. Always provided that what the comittee shall doe in the premises shall not confirme or invalidate the title of any Indian sachim, and that the worke be done at the charge of the Honrd Govern^{r} John Winthrop and Wait Winthrop.*

Liberty is by this Assembly granted to the inhabitants on

* Their report with Indian testimony &c. is recorded in Col. Rec. of Deeds, &c., II, 304–310.

the east side of the great river in Hartford to imbody themselves in church estate, they obteining the consent and concurrence of the neighbouring churches.

Major Generall Wait Still Winthrop moving this Assembly, *this Assembly*, to grant him a rehearing of the case depending between him and M^r^ John Tracie in the Court of Assistants holden at Hartford on the fift of this instant month, this Assembly did not see cause to grant it.

Capt^n^ Joseph Whiting petitioning this Court by their act to secure him in the quiet possession of a piece of land in the West Division in the township of Hartford, now in contest between him and Cyprian Nichols, untill he is eiected by lawe; this Assembly see not cause to grant his petition, but are ready to passe an act that the action depending formerly between them in lawe, which is fallen, shall be revived and continued unto the next Court of Assistants to a finall issue.

Whereas there was an action depending in the Court of Assistants holden at Hartford on the third of October last, between Capt^n^ Joseph Whiting of Hartford plaintiff by review from the judgm^t^ of the Court of Assistants next preceding, and Capt^n^ Cyprian Nickols defendent, which action through the insufficiencye of the juries return and their obstinate refusall to give in a verdict to the Courts satisfaction, remains still undetermined, and the pleas and processe thereupon were discontinued and put without day: Now to the intent that justice may be done therein, it is ordered and enacted by this Assembly that the said action so discontinued as aforesaid, shall stand revived and be continued, and it is hereby revived, continued and adiourned to the next Court of Assistants [368] || to be holden at Newhaven in October next, and shall and may be then and there pleaded, heard and proceeded upon, and the parties concerned in the said action that had day by their suit in the said Court of Assistants in October last, shall respectively appear, at the Court of Assistants to be holden as aforesaid in October next, under the same penalties that might have incurred upon them or either of them for not appearing at the Court of Assist^ts^ in Octob^r^ last if they or either of them had not there appeared.

Sam[ll] Willis Esq[r] petitioning for y[e] vacating an execution formerly levied upon some of his lands by M[r] John Blackleech, this Assembly doe not see cause to grant his petition.

Vpon the petition of Joseph Wright of Kenelworth, this Assembly doth order and appoint the comittee formerly appointed to make distribution of the estate of Beniamin and Jane Wright to fixe and settle the boundaries to the land they did then make distribution of to the children of the said Beniamin and Jane Wright, according *according* to the returnes made to the Generall Court May 13[th], 1686.

This Assembly having considered the last will and testament of M[r] John Hollam late of Stonington dec[d], dated Aug. 1700, they doe declare it to be their judgment that it was the intent of said M[r] John Hollam that part of his lands should be sold for the discharging his debts, and that it is in the power of the executors of the said will to make sale of part of his lands, that so his lands may bear a proportion with the rest of his estate in payment of his debts.

M[r] John Blackleech of the towne of Hartford, administrator to the estate of his soñe John Blackleech deceased, certifying this Assembly that his soñe in lawe Thomas Wells late of the said towne of Hartford deceased, did in his life time mortgage to John Sad of the towne aforesaid, a certain parcell of land of about twelve acres, situate in the township of Hartford aforesaid, for money borrowed of said Sad, and that his owne soñe, John Blackleech aforesaid, did after the decease of the said Thomas Wells obtein an assignment of the said mortgage to himselfe giving bond for the payment of the debt for which the said land was at first morgaged, and that part of the debt due to the estate of John Sad hath been paid by his daughter relict of the said Thomas Wells, and bond being given by his sonne abovenamed for payment of the remainder, and twentie one pounds currant silver money remains still due to the executors of the said John Sad upon the said bond: This Assembly upon his request doe give to the said John Blackleech full power to make sale of the said parcell of land, part of the produce thereof to be improved for the payment of the s[d] debt to the estate of the said John Sadd, the remainder to

be improved for the benefitt of the relict of the said Thomas Wells (daugh[ter] of the said John Blackleech) and of the young children.

[369] Liberty and full power is by this Assembly granted to Anne Trill, widdow and relict of Thomas Trill late of Hartford dec^{d}, to make sale of a certain parcell of land (which her deceased husband had of John Pantrie of Hartford aforesaid) situate on the east side of the great river in Hartford bounds, conteining by estimation thirtie acres more or lesse; she being left by her husband in a lowe condition with three small children, and standing in need of relief, and the title of the land depending upon such conditions as the widdowe is not able to performe, whereby the land is in danger to be forfeited as appears by the deed.

Liberty and full power is by this Assembly granted to Hannah Whitmore and Francis Whitmore of Midltowne, administrators to the estate of Francis Whitmore late of s^{d} Midltowne deceased, to make sale of a house and homestid which the *the* said Francis deceased purchased of Jacob Johnson about three month before his death, that by the sale thereof they may be inabled to pay the purchase money.

This Assembly having perused and considered a writing presented by Lieu^{t} John Morgan of Newlondon, wherein Nathan^{ll} Willson of Hartford before his marriage with Susañah daughter of M^{r} William Jones of Newhaven, did solemnly promise and inguage upon condition of marriage with said Susañah never to sell, alienate or any wayes imbezel any part of his lands &c. without the advice or consent of sundry persons named in said writing, in presence of Capt^{n} Sam^{ll} Mason, M^{r} James Noyes, and M^{r} Dan^{ll} Mason, who are witnesses thereunto: This Court doth judge the said promise and inguagement made upon the conditions aforesaid to be of good force, and ought to be carefully observed by all good men, and the writing to be recorded. The writing followes:

Stonington, May the 6^{t}, 1701.

We whose names are under written being desired in a letter from M^{r} Jones of Newhaven sometime since Deputy Govern^{r} of this Colonie, to advise in a case of difficult circumstances concerning the said M^{r} Jones his daughter Susanna, now married

and is Susanna Wilson of Hartford, and before her marriage she being at Lieu^t John Morgans in Newlondon, we had severall considerations, and severall discourses with Nathan^ll Wilson her now husband, and before marriage, and in order to the same, said Nathaniel Wilson did solemnly promise to us in the presence of severall others, viz. M^r Richard Edwards of Hartford and his soñe that is now in the worke of the ministrie &c. The said Nathan^ll Wilson promised us that he would not make bargains or sell land, or any ways embezel his estate, without the advice of his mother M^rs Wilson, or M^r Thornton a glover, and one M^r Merrill, and his wife Susannah, all of Hartford. To attest the verity of this, we have sett to our hands.

Samuel Mason, Assistant,
James Noyes sen^r,
Dan^ll Mason.

The above named Nathan^ll Willson was married to his wife Susañna in Aprill, 1700. Sam^ll Mason Assist^t.

The above written is a true copie of the originall testimony upon file. Test Eleazar Kimberly, Sec^ry.

Ordered and enacted by this Assembly: That the money which Capt^n Sam^ll Wells of Glassenbury and Ensign Thomas Wells of Wethersfield were ordered to pay to their brother in lawe Dan^ll Shilton of Stratford, as the remainder of his wives portion and for court charges, by the judgm^t of this Assembly May the 11^th, 1699, shall be paid by them by equall proportion, that is to say, that Capt^n Sam^ll Wells shall pay the one halfe, and his brother the said Thomas Wells the other halfe thereof.

[370] Ben Vncass complaining that the inhabitants of the town of Haddū have taken some of his land into their township, this Court doe recomend it to the town of Haddum that they doe enquire into that matter, and if they have any such land within their township that they doe speedily comply with s^d Ben Uncas by purchasing said lands, or other agreement that may prevent future trouble.

Whereas Isaac Johnson of the towne of Midltown did complain to this Assembly in Octob^r last, that a considerable part of a tract of land in the said town to him belonging was uniustly taken from him, and this Assembly did then appoint a comittee to goe down to Midletown and to survey the said land and to make inquire into the matter, and the said comittee having made return of the trust reposed in them: This Assem-

bly doth declare that it is their opinion (upon the return of the said comittee) that the said Isaac Johnson hath been wronged, and therefore doe recomend it to the town of Midltown that they doe take effectuall care, that he the said Isaac Johnson have right done him by a due recompence of land sett out to him as may make up his damage, that so future trouble may be prevented.

Mr John Allin of Windsor complaining to this Assembly of wrong done him by the disposing and distribution of the estate of his honrd father deceased, this Court doe order that a comittee be appointed to inspect into that matter and make return to this Court in October next how they find it. The comittee appointed for that work is Mr Richard Lord, Mr John Elliott, Captn Cyprian Nickols, Ensign Tho. Bunce, Mr John Hains, or any three of them.

Deacon Thomas Bull, Serjt Samll Wadsworth, and Serjt Thomas Porter, are appointed by this Court to apprize the vallue or worth of the labour that Richard Seamer had done upon the two acres of land that Thomas Hancocks recovered by execution from the abovesaid Seemer; the apprizers to be upon oath, and to apprize the labour according to the worth of it to the said Hancock, that is according to the benefitt that it might be to him.

This Court doe allow unto Joseph Garrett fiftie shillings in money as an addition to his bargain for digging the prison well.

Ordered and enacted by this Assembly: That all the souldiers inhabiting on the east side of the ferry river in the township of Newhaven shall be imbodied into a trainband there, and have free liberty to choose their military officers; provided they continue as they are till they have officers comissionated according to lawe; and that the souldiers in the towne of Newhaven, and all on the west side of the ferry river westward within the sd towneship shall be equally divided into two companies under comand of the present comission officers there and by their order.

This Assembly having heard and considered the petition or request of the inhabitants of Fairfield village presented to them by Lieut James Bennett desiring that the Court would state

and settle for them a line for the west boundarye to their [371] plantation &c., doe order and enact: That the line to be the west boundarye of the said plantation shall run, so as that it may take in, and include within their bounds, one Moses Jackson miller his housing and lands, and run on the west side of old Jacksons lotts, (viz^{t},) pasture, building lott, and long lott, upwards or northwards to the upward or northern end of the bounds of the town of Fairfield, and that all such person or persons as have built or that shall build and inhabitt on the east side of the abovesaid line, and on the west side of Poquañack River, shall pay to all publick charges that shall arise in the said plantation his rateable part thereof.

Provided alwayes: That this act shall in no wise hinder or abridge the inhabitants of the said plantation, of using and holding the priviledge of feeding sheep to the westward of the abovesaid line, as it was granted to them formerly by the inhabitants of the town of Fairfield.

And further it is enacted by the authoritye aforesaid: That the said plantation (formerly called Poquannuck and Fairfield village) shall for the future be called by the name of Stratfield.

Capt^{n} Robert Wells by this Assembly released from being captain of a trainband in the town of Wethersfield.

This Assembly doth revoke these words, viz. "Bring not the Colonie into any inconvenience," at the foot of the act of the last Generall Assembly respecting the volunteers, and doe insert these words in steed of them, viz^{t}, "Doe not preiudice any former grant of the Court."

This Assembly appoints Serj^{t} Caleb Stanley to be joyned with Lieu^{t} Bushnell and M^{r} Palmer, in the stead of M^{r} Butcher deceased, to run the line between Preston and Newlondon.

[From the Windsor MS.]

A copy of the Commission for Justices, by order of the Generall Assembly holden at Hartford, May 8th, 1701, to be sent forth to the several towns of this Colony.

J. W. Esquire, Governour of his Majesty's Colony of Connecticut in New England, to A. B. C. D. &c. Greeting. Know ye that by virtue of authority derived from his late Majesty Charles the Second, by the grace of God of England, Scotland, France and Ireland, King, and by and with the advice and consent of the Council and Representatives of this Colony in General Court assembled, I have assigned

you and every of you, jointly and severally, to keep the peace within the county of H. within the Colony aforesaid, and to keep and cause to be kept all the laws and ordinances that are or shall be made for the good of the peace and conservation of the same, and for the quiet rule and government of the people within the County aforesaid in all and every the articles thereof, and to chastise and punish all persons offending in the county aforesaid against the said laws, ordinances, or any of them, as according to those laws or ordinances shall be fit to be done, and to cause to come before you or any of you all those persons who shall threaten any of his Majesty's subjects in their persons or estates, to find sufficient sureties for the peace and good behaviour, or in default of their finding sureties to commit them to gaol or safe custody until they shall so do.

And I have assigned you or any three of you the said J. H., J. E., &c. to assist the Judge of the County Court for the county aforesaid, to enquire of, hear and determine by a jury or otherwise according to law, all causes, matters and things civil and criminal, cognizable by the said Court according to law.

I do also assign you the said A. B. C. D. &c. and each and every of you to hear and determine all cases, matters and things civil and criminal, which any one Assistant in this corporation now hath or hereafter shall have power by law to hear and determine. And I command you and every of you that you diligently intend the keeping of the peace, laws and ordinances, and all and singular other the premises, and perform and fulfill the same, doing therein what to justice appertains according to the laws of this Colony. In witness whereof I have caused the seal of the Colony to be hereunto affixed. Given under my hand in H. this day of in the year of the reign of our Sovereign Lord William the Third, by the grace of God, of England, Scotland, France and Ireland, King &c. Annoq; Domini .

By his Honor's command, J. W.

E. K. Secretary.

A true copy, test. Eleazar Kimberly, Secretary.

Att a Generall Assembly holden att New-Haven, Octobr ye 9th, 1701.

Present:

The Governours Honr,
The Deputy Governrs Honr,

Captn Andrew Leet,	Majr Moses Mansfield,
Majr James Fitch,	William Pitkin Esqr,
Captn Samll Mason,	Joseph Curtis Esqr,
Captn Danll Wetherell,	Captn John Chester,
Nathanll Stanley Esqr,	Josiah Rossiter Esqr.

Representatives present:

For Hartford, Mr Thomas Hooker, Captn Aaron Cook.
For Ne. Haven, Mr Jeremh Osborn, Mr John Alling.
For Windzor, Mr John Woolcutt, Mr John Elliot.
For Fairfield, Mr John Wakeman, Mr Peter Burre.*
For NewLondō, Mr Nehemh Smith, Ens. John Hough.
For Stratford, Captn James Judson, Ens. John Coe.
For Wethersfield, Lieut James Treat, Captn Robt Wells.
For Gilford, Captn Stephen Bradley, Lieut Abrahā Fowler.
For Milford, Mr Thomas Clerk, Serjt Joseph Peck.
For Windham, Mr Joshua Riplye, Ensign Jonath. Crane.
For Branford, Mr Williā Malbie, Captn Eleazr Stent.†
For Wallingford, Lieut Samll Hall, Serjt John Merriman.
[372] For Woodbury, Mr John Sherman.
For Derbye, Captn Ebenezr Johnsō, Ens. Samll Riggs.
For Stanford, Lieut David Waterbury, Mr Elisha Holly.
For Haddū, Captn John Chapman, Mr Danll Brainard.
For Midltown, Captn Nathanll White, Lieut Wilł Sumner.
For Waterbury, Lieut Tho. Jud, Serjt Isaac Brownson.
For Glassenbury, Deacon Jonath. Smith, Lieut Samll Hale.
For Saybrook, Mr Nathanll Lynde, Mr Nathanll Chapmā.
For Norwich, Mr John Tracye.
For Lyme, Captn William Eelye, Deacon Joseph Peck.
For Stoningtō, Lieut Danll Mason, Mr Joseph Saxton.
For Symsbury, Captn John Higlye, Serjt Samll Wilcockson.
For Kenelworth, Lieut Henry Crane, Mr Robert Lane.
For Farmingtō, Mr John Hooker, Mr Tho. Bull.
For Norwalk, Mr Andrew Messenger, Mr Samll Keeler.

Persons nominated to stand for election in May next are:

Majr Generll Fitz John Winthrop Esqr, Colonll Robert Treat Esqr, Captn Andrew Leet, Majr James Fitch, Captn Samll Mason, Captn Danll Wetherell, Nathanll Stanley Esqr, Captn Caleb Stanley, Majr Moses Mansfield, Captn John Hamlin, Captn Nathan Gold, Wilł Pitkin Esqr, Joseph Curtis Esqr, Captn John Chester, Josiah Rossiter Esqr, Mr Richard Cristophers,

* Speaker.
† Clerk of the lower house.

Mr Peter Burre, Mr John Hains, Mr Thomas Hooker, Mr Jeremah Osborn.

The list of persons and estates.

	Estates. lls.	Persons.		Estates. lls.	Persons.
Hartford,	18261	307	Stonington,	06842	136
Newhaven,	17228	332	Haddum,	03909	101
Windzor,	14369	250	Preston,	02907	068
Wethersfield,	12375	252	Branford,	04668	080
Gilford,	08062	137	Glassenbury,	02587	071
Norwich,	05723	122	Stratford,	10712	130
Fairfield,	12317	150	Wallingford,	06096	100
[373] Newlondon,	10197	210	Farmingtō,	07450	115
Danbury,	02230		Simsbury,	03087	067
Windham,	02161	059	Derbye,	02389	047
Woodbury,	03045	065	Stanford,	06810	095
Kenelworth,	02919	052	Greenwich,	04038	082
Lyme,	06128	123	Waterbury,	01974	050
Midltown,	06726	177	Saybrook,	06343	126
Norwalk,	06309	110	Milford,	11196	181

(Councill stated.)

Ordered and enacted by the Governour Councill and Representatives in Generall Court assembled, and by the authority of the same: That the Councill assignd to assist the Governr, or in his absence the Deputy Governour, in the intervales of the Generall Assembly, shall consist of four Assistants at the least, and that the Governour, or in his absence the Deputy Governr, with four of the Assistants convened in Councill shall have power in the intervales of the Generall Assembly to mañage the affairs of this Colonie according to charter, they not to raise men to send out of the Colonie (unlesse in case of exigencie) nor dispose of money.

(Rate granted.)

This Assembly grants a rate of two pence halfe pennie upon the pound of all the rateable estate of this Colonie, according to the lists of estate presented this sessions; to be paid in wheat, pease, Indian corn, rye and pork; winter wheat at five shillings pr bushll, pease and rye at three shillings pr bushll, Indian corne at two shillings and sixe pence pr bushell, porke at three pounds ten shillings pr barrell; all the grain to be good and merchantable, the pork to be repackt by a sworn

packer, and marked with his mark, and if any will pay their proportions or part thereof in money it shall be accepted at two thirds. It is also ordered that no person shall pay above one third part of his rate in rye.

(Salleries stated.)

This Assembly doth allowe unto the Honrd Govern^{r} one hundred and twenty pounds in pay for his sallerie this present year, he bearing his own charges and waiting men and horses.

This Assembly doth allow to the Deputy Governour sixtie pounds in pay for his sallerye this present year, he bearing his own charges and waiting men and horses.

This Assembly doth allow unto the Treasurer twentie pounds in pay for his sallery this year.

This Assembly doth allow to the Secretary twelve pounds in pay for his sallerye this year, he bearing his own charges.

This Assembly doth allow to the Colonie Sherriff nine pounds for his sallerye this present year, he bearing his own charges; and to the Countie Sherriff four shillings p^{r} day for each days attendance on this Court.

[374] This Assembly doth allow to M^{r} Burre, Speaker of the House of Representatives, three pounds for his good conduct in May and October.

This Assembly doth allow to Capt^{n} Eleazar Stent, Clerk of the House of Representatives, fiftie shillings for his service in May and Octob^{r}.

Ordered by this Assembly, that for the future the auditors of the Colonie accounts shall be allowed five shillings p^{r} day in pay and bear their own charges.

Ordered and enacted by this Assembly, that for the future such of the intervale or meadow lands in the countie of Hartford as have formerly been vallued at above twentie shillings p^{r} acre in the countrie list, shall for the future be listed at twentie shillings p^{r} acre and no more, any former lawe or custome to the contrary notwithstanding.

Ordered and enacted by the Govern^{r}, Councill and Representatives, in Generall Court assembled, and by the authority of the same: That there shall be four sufficient gaols or prison

houses constantly maintained in this Colonie, (that is to say, one in each head towne of the four counties) which gaols or prison houses shall be maintained at the cost and charge of each respective countie, upon the penaltie of answering all damages that shall accrue, for want of a sufficient gaole to be answered by the countie that shall not attend this order. And that the charge of either erecting or repairing such gaols or prison houses, shall be defrayed by way of rate levied upon the inhabitants of each countie (unless there be sufficient in the countie treasury) to be assessed upon them by the justices at their countie courts from time to time as occasion shall require, and collected by the constables in each towne in the countie; and that the justices in their countie courts, shall give order for the building or repairing of such gaols in their respective counties, and for carrying on the worke till it be finished.*

Whereas this Court in Octob^{r}, 1700, did appoint and impower a comittee to transmitt the lawes revised to the presse to be printed, and the number to be printed to be fifteen hundred, which order (upon some considerations) was delayed by this Court May last past: This Court doe now appoint and impower M^{r} Will^{m} Pitkin, Capt^{n} John Chester, and the Secretary, to be a comittee to transmitt the aforesaid lawes to the presse to be printed at the Colonie charge, and also to print such a number, viz. fifteen hundred, or two thousand, and that said books when printed, shall be by proportion sent into each countie in this Colonie, and be sold by persons appointed, for such prizes as may amount to the cost of printing; the produce of them to be returned into the countrey treasury for the Colonies use. And that the law for sizing lands in the severall townes in this Colonie now in force shall remain the same, onely adding the alteration made by this Court on the meddow lands in Hartford countie.

Capt^{n} Sam^{ll} Mason, Capt^{n} Nathan Gold, M^{r} James Noyes,

* At their session in October, 1698, the Court of Assistants impowered Capt. Joseph Whiting, Treasurer, with the High Sheriff, Capt. William Whiting, to agree with workmen to build a new Prison House [in Hartford] that may be sufficient for the country's service, and to provide all necessary materials, and to do all upon the country's account and at the charge of the country. Rec. Co. of Assist., I, 87.

[375] Mr Thomas || Hooker, and Mr John Elliott, are chosen and appointed a comittee in the behalfe of this Colonie to indevour an amicable agreement with the goverment of Rhode-island, (or such persons as shall be by them appointed and fully impowered,) respecting the settlment of the dividing line between the two Colonies. And the said comittee, or any four of them, are hereby comissionated and fully impowered to bring that matter depending to a finall issue, and what line shall be aggreed upon and stated by them, or any four of them, shall be deemed, adiudged and forever remain to be the dividing line between the Colonie of Conecticutt and the Colonie of Rhode Island; provided that nothing done by the aforesaid comittee, shall alter or change the propertie of any mans land, but all propertie shall be saved, according to the agreement of our late Governour John Winthrop and Mr Clerk of Rhode Island, which aggreement was made in England.

Act for a Collegiate School.

Whereas severall well disposed and publick spirited persons of their sincere regard to and zeal for the upholding and propagating of the Christian protestant religion, by a succession of learned and orthodox men, have expressed by petition their earnest desires that full liberty and priviledg be granted unto certain undertakers, for the founding and suitably endowing and ordering a Collegiate School within this his Majesties Colonie of Connecticutt, wherein youth may be instructed in the arts and sciences, who through the blessing of Almighty God, may be fitted for publick imployments both in church and civill state,

To the intent therefore that all due encouragement be given to such pious resolutions, and that so necessary and religious an undertaking may be sett forward, supported and well mañaged: Be it enacted by the Governour and Company of the said Colonie of Connecticutt in Generall Court assembled, and it is enacted and ordeined by the authority of the same that there be, and hereby is full liberty, right and priviledge granted unto Mr James Noyes of Stonington, Mr Israel Chancie of Stratford, Mr Thomas Buckingham of Saybrook, Mr Abrahā Pierson of Kenelworth, Mr Samll Mather of Windzor, Mr Timothie Woodbridge of Hartford, Mr James Pierpoint of New-

haven, Mr Samll Andrew of Milford, Mr Joseph Webb of Fairfield, Mr Noadiah Russell of Midltowne, being all reverent ministers of the gospell, and inhabitants within this said Colonie, proposed to stand as trustees, partners, or undertakers for the said school, to them and their successors, to erect, forme, direct, order, establish, improve, and at all times in all suitable wayes for the future to incourage the said school in such convenient place or places, and in such forme, mañer, and under such orders and rules, as to them shall seem meet and most conducive to the aforesaid end thereof, so as such rules or orders be not repugnant to the lawes of the civill goverment: as also to imploy the moneys or any other estate which shall be granted by this Court, or otherwise contributed to that use, according *according* to their discretion for the benefitt of the said collegiate school from time to time and at all times henceforward.

And be it further enacted by the authority aforesaid: That the before named trustees, partners or undertakers, together with such others as they shall associate to themselves (not exceeding the number of eleven or at any time being lesse then seven, provided also that the persons nominated or associated from [376] time to time to fill up || the said number be ministers of the gospell inhabiting within this Colonie and above the age of fortie years) or the major part of them the said James Noyes, Israel Chancie, Thomas Buckingham, Abraham Pierson, Samll Mather, Timothie Woodbridge, James Pierpoint, Samll Andrew, Joseph Webb, and Mr Noadiah Russell, undertakers, and of such persons so chosen and associated as abovesaid, at any time hereafter, have and shall have henceforth the oversight, full and compleat right, liberty, power and priviledge, to furnish, direct, mañage, order, improve and incourage from time to time and in all times hereafter the said collegiate school so erected and formed by them, in such wayes, orders and mañer, and by such persons, rector, master and officers appointed by them, as shall according to their best discretion be most conducible to attein the aforementioned end thereof.

And moreover, it is ordered and enacted by the authority aforesaid: That the said James Noyes, Israel Chancie, Thomas Buckingham, Abraham Pierson, Samll Mather, Timothie Woodbridge, James Pierpoint, Samll Andrew, Joseph Webb

and Noadiah Russell, undertakers, trustees, or partners, and the said persons taken from time to time into partnership, or associated as aforesaid with themselves, shall have and recieve (and it is hereby given and granted unto them) the full and just sum̃e of one hundred and twenty pounds in countrey pay to be paid annually and at all times hereafter (untill this Court order otherwise) to them and to such person or persons onely as they shall appoint and impower to recieve the same, to be faithfully disposed of by the said trustees, partners or undertakers, for the end aforesaid, according to their discretion; which said sum̃e shall be raised and paid in such wayes and manners, and at such a vallue as the countrey rates of this Colonie are and have been usually raised and paid.

It is also further enacted by the authority aforesaid: That the said undertakers, and partners, and their successors be and hereby are further impowered to have, accept, acquire, purchase or otherwise lawfully enter upon, any lands, tenements and hereditam^{ts} to the use of the said school, not exceeding the vallue of five hundred pounds p^{r} annū, and any goods, chattells, sum̃e or sum̃es of money whatsoever as have heretofore already been granted, bestowed, bequeathed, or given, or as from time to time shall be freely given, bequeathed, devised or settled by any person or persons whatsoever upon and to and for the use of the said school towards the founding, erecting or endowing the same, and to sue for, recover and recieve all such gifts, legacies, bequests, annuities, rents, issues and profitts arising therefrom, and to imploy the same accordingly; and out of the estate, revenues, rents, profitts and incomes accruing and belonging to said school to support and pay, as the said undertakers shall aggree and see cause, the said rector or master, tutors, ushers or other officers, their respective annuall salleries or allowances; as also for the incouragement of the students to grant degrees or licences as they or those deputed by them shall see cause to order and appoint.

[377] George Pardie complaining to this Court that the fare stated by lawe for the ferry at Newhaven is not a meet recompence, this Court doe order that for the future Newhaven ferry shall be allowed four pence in money or sixe pence in pay for

a man, his horse and his load once ferried, and all other ferrige there as the lawe hath already provided. And it is hereby provided that he shall attend the ferry in the winter as there shall be occasion at Dragon Point at the same price when the stated ferry is not passable by reason of ice.

A question arising what is meant by a horse and his load in the law title Ferries, it is resolved by this Assembly the meaning is all persons and what else a horse shall bring to the ferry at one time.

The inhabitants of Windham and Lebanon having aggreed upon a dividing line between their two townes as appears by their agreement bearing date September the 23, 1701, this Assembly confirmes the line mentioned and described in the said aggreement, to be and forever remain to be the dividing line between the aforesaid towns. The aggreement follows:

Whereas there hath been some kind of difference between the towns of Windham and Lebanon as to their divident line, we whose names are hereunto subscribed being the comittees of each towne abovenamed to aggree and fully state the bounds between the aforesaid towns, (viz^{t}) to beginne at a white oak tree marked with the letter L, about eighty rods south from the mouth of Hoop River, about twelve rods west from Willimantuck River, and then to run a strait line to a white oak tree which is the northeast corner bounds of a tract of land bought by Deacon Dewie, and M^{r} William Clerke of Lebanon of M^{r} Buckingham and Lieu^{t} Clerk of Saybrook, the tree marked with I. D. and W. C. and so the line to run the same course to Norwich town bounds, and so the priviledges of the land on the northward side of the abovesaid line, shall forever hereafter belong to Windham, and the priviledges of the land on the southward side of the abovesaid line shall forever hereafter belong to Lebanon, and that this abovewritten agrement is to be obliging to the inhabitants and proprietors of each of our townes, our heirs and assignes forever, for whome we are concerned, and by whome we are fully impowered to agree and get the Generall Courts sanction to this our agreement. In witnesse whereof we have hereunto sett our hands this 23^{d} day of September, 1701.

Joshua Riplye,
Jonath. Crane,
John Backus,
Edward Collver,
Samuell Huntington,
Jeremiah Fitch.

This Assembly doth rattifie and confirme the agreement of the town of Windham concerning dividing their towne for bearing the charges of maintaining two societies. The agreement is in the words following, viz^{t}:

At a town meeting in Windham, January 30th, 1700, Voated, granted and agreed on, with respect to the dividing of the town, that we will begin at a pine tree that is on the right hand of the path as we goe to the north end of the town, the northermost tree that is to the northward of the long- [378] meadow, and so to run a due west line || to Willimantuck River, and from said pine tree a line either northerly or easterly so as to divide the town land equally, halfe thè 48 homelotts now laid out to belong to the south end of the town and the other to the north end of the towne, the dividing line to alter no mans proprietye of land now laid out. And with respect to the cedar swamps, there is to be free liberty to all proprietors to gett cedar as they see cause, so as not to carry it out of the town to other townes. The land that is to be divided is between the two west lines, as the town formerly agreed on should be the bounds of the town.

Compared with the town record, May the first, 1701.

p^{r} Joshua Riply, Cler.

Liberty and full power is by this Assembly granted to the Honrd Deputy Governour Colon^{ll} Robert Treat, and to Capt^{n} Ebenezer Johnson, and to the Reverend M^{r} John James, to take up their respective grants of land, granted by this Assembly, in the countrey lands adioyning to Stratford north bounds.

Liberty and full power is by this Assembly granted to Capt. Stephen Bradley of Gilford to make sale of a certain house and about eighteen acres of land which his son Stephen Bradley died possessed of, to purchase for the children of his said sonne other lands that may be more advantagious to them when they come of age; proceeding therein with the consent and approbation of the widdow and relict of his said deceased soñe; he informing this Assembly that the building is likely to be much impaired and that the said house and land was never legally conveyed to his said son but stands recorded to himselfe.

Whereas the Reverend M^{r} Samuel Whiting and Ensign Jonathan Crane have made a purchase of a part of the lands settled on Abimeleck by this Court, this Court upon their application and for a further rattification and confirmation,

see cause to grant to them a pattent for their purchase, at their cost and charge, signed and sealed by the Governour and Secretary, as the law provides in such cases.

Whereas this Assembly in May last did desire and appoint Mr John Hains, Mr Richard Lord, Captn Cyprian Nickols, Mr John Elliott, and Ensign Thomas Bunce to be a comittee to inspect the differences between Mr John Allin, and his brother Captn Mathew Allin, referring to the distribution of the estate of their father Captn Thomas Allin late of Windzor decd, and to make return to this Court at their present sessions, and the said comittee returning that the said John Allin in their apprehensions is damified to the sume of thirtie pounds by the said distribution, and the said John and Mathew having agreed to leave the matters in contest between them to referrence: this Assembly doth see cause to suspend a further consideration of the matter at present, and doe order that if the said proposition of an issue by referrence should fail, then all the parties concerned in the said distribution shall appear at the Generall Assembly to be holden at Hartford in May next, at which time this Assembly will take the said distribution into further consideration and indevour an issue of all contest concerning that matter.

This Assembly allowes to John Parker atturney for the town of Saybrook, eleven shillings in pay and four shillings and sixe [379] pence in cash || for cost of attendance a[t] this Assembly to answer Mr Daniel Brainard, Thomas Clerk, Joseph Arnold and James Wells, agents for the proprietors in the undivided lands on the west side of Connecticutt River in the township of Haddum.

Voted and ordered by the Deputy Governr and Councill, that a writt be issued forth by the Secretary requiring Majr Fitch to appear before the Genll Assembly in May next to answer the complaint comenced against him by John Gallop for maleadministration.

Full power is by this Assembly granted to the Reverd Mr Israel Chancie, Mr Samuel Sherman, and Samuel Stiles, executors of the estate of John Sherwood of Stratford decd, to sell so much of the said John Sherwoods lands, as may be needfull

for the procuring of money to defray the charge of curing his soñe Thomas Sherwood who is lame.

Liberty and full power is by this Assembly granted to Lydia Dickison of Stratford, widdow and relict of Thomas Dickison dec^{d}, with the advice and consent of M^{r} Joseph Curtis, and M^{r} Nathan^{ll} Sherman, both of Stratford aforesaid, to sell so much of her deceased husbands lands, as will with the produce thereof, clear that purchase of land for which the said Thomas Dickison was obliged to clear other lands, but lived not to doe it.

The return of the coñittee appointed by this Assembly in May last to state the bounds of the lands belonging to the children of Beniamin and Jane Wright is in the words following, viz^{t}:

To the Honrd Generall Court,

In observance to your Hon^{rs} appointment we have once and again been upon the difficulties and controversyes between James and Joseph Wright, and although we humbly concieve that our return unto the Court and their acceptance had been sufficient to [have] freed us from any further trouble in that matter, there was also a mutuall aggreement between the aforesaid bretheren, which hath very much barred our farther proceeding because it is long since, and we could not come at the originall, however at length we gained a sight of a copie that James Wright had written with his owne hand. After much time and labour spent, to have gained the brethren to compliance but all in vain, wherefore we did so farre as we could come at the aggreement, state them down accordingly which is as followeth; from the sea northward unto a chestnutt tree marked on 2 sides, to witt north and south, they are bounded by the dividing line between the towns of Saybrook and Kenelworth, and from said chestnutt tree somewhat more westerly unto another chestnutt tree forked marked on three sides, to witt east and west and south, about twentie rod or some more westwards of the bridge. We also considered the case of the old farme, and saw no cause or reason to make any alteration of the antient boundaries, save in that forasmuch as the boundaries in the meadow were not to be found we took the line of the upland eastward, and according to our best judgment extended it through the meadow in a parralel line with that upon the upland unto the river. As to those lands that are northward of the north end of the old farme unto the countrie road, that goes from Kenelworth to Saybrook, Joseph is to have all the meadow with a litle island or islands, excepting a litle

spong by the river next the bridge, bounded south by the line of the old farme, as it is now stated, and easterly and northerly upon Manunckateseck River, westerly by the upland that is [380] now ‖ stated to James Wright, with egresse and regresse to said meadowe through the upland of said James Wright without any molestation. James Wright is to have all the upland northward of the north end of the old farme unto the boundaries above with a litle spong of meadow by the river side next the bridge, bounded easterly and northerly by the meadow now stated to Joseph Wright and by Manuncketeset River south, upon the line of the old farme westerly to the countrey road, free liberty being reserved for Joseph to passe and repasse to his meadowe, which is all that we found ourselves capable of, and although it found not that acceptance with the brethren as we could have reioyced in, yet we hope and trust the Honrd Court will not lay their comand upon us any more in this businesse, especially unlesse some expedient be thought upon for our recompence for our former trouble. As to take any further security about debts, we humbly referre all parties that are or may be concerned to our first return to the Honrd Generall Court.

June 17th, 1701.

Henerie Crane,
John Chapman,
Josiah Rossiter.

The return above written is accepted and approved by this Assembly, and confirmed to be a finall issue of all controversies between James and Joseph Wright, children of Beniamin and Jane Wright, about the boundaries of their lands therein mentioned, and it is ordered to be recorded.

M^{r} John Gallop, atturney for John Fellows, Ebenezer Harris and John Gallop jun^{r}, acknowledgeth himselfe bound in a recognizance of five hundred pounds to the publick treasury of this Colonie to prosecute his complaint against Maj^{r} James Fitch at the Generall Assembly in May next, and answer all damages if he make not his plea good.

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[381] Att a Generall Assembly holden at Hartford, May 14th, 1702, and continued to the 26^{t} day of the same month.

Att this Assembly Maj^{r} Gen^{r} Fitz John Winthrop was chosen Govern^{r}, and Colon^{ll} Robert Treat, Esq^{r} was chosen Deputy Govern^{r}.

Assistants chosen were:

Capt. Andrew Leet,	Capt. John Hamlin,
Majr James Fitch,	Capt. Nathan Gold,
Capt. Samuel Mason,	William Pitkin Esqr,
Capt. Daniel Wetherell,	Joseph Curtis Esqr,
Nathaniel Stanley Esqr,	Capt. John Chester,
Majr Moses Mansfield,	Josiah Rossiter Esqr.

Present at this Assembly:

Majr Genrll Fitz John Winthrop Governr,
Colonll Robert Treat, Deputy Governr.

Assistants present:

Majr James Fitch,	Capt. John Hamlin,
Capt. Samll Mason,	William Pitkin Esqr,
Capt. Daniel Wetherell,	Joseph Curtis Esqr,
Nathanll Stanley Esqr,	Capt. John Chester,
Majr Moses Mansfield,	Josiah Rossiter Esqr.

Deputies present:

For Hartford, Mr Thomas Hooker,* Capt. Aaron Cook.
For New Haven, Mr Jeremiah Osborn, Mr John Allin.
For Newlondō, Mr Nehemh Smith.
For Windzor, Mr John Woolcutt, Mr John Elliott.†
For Fairfield, Lieut James Bennet, Mr Samuel Squire.
For Milford, Mr Thomas Clerk, Ensign Joseph Peck.
For Wethersfield, Capt. Thomas Wells, Lieut Joshua Robbins.
For Preston, Ensign John Parks, Mr John Starkweather.
For Norwich, Capt. Richard Bushnell, Lieut Solomon Tracie.
For Norwalk, Mr Andrew Messenger.
For Kenelworth, Mr Samll Buell, Mr John Griswold.
For Saybrook, Mr Nathanll Lynd, Mr Nathanll Chapman.
For Danbury, Ensign Thomas Tayler, Serjt Josiah Starre.
For Symsbury, Mr Daniel Addams, Ens. Samuel Vmphries.
For Stratford, Lieut Thomas Knowls, Mr Nathanll Sherman.
For Stanford, Mr Samll Webb.
For Windham, Mr Joshua Riplie, Mr Tho. Huntington.

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* "Appeared May 21." Civil Officers &c., I, 73.
† Speaker.

For Haddum, Mr Daniel Brainard, Capt. Georg Gates.
For Branford, Mr William Malbie, Capt. Eleazar Stent.*
[382] For Wallingford, Ens. Nathanll Royse, Mr David Hall.
For Glassenbury, Deacō Jonath. Smith, Lieut Samll Hale.
For Derby, Capt. Ebenezer Johnson.
For Gilford, Lieut Abraham Fowler, Ensign Nathanll Stone.
For Woodbury, Mr Samll Jenner.†
For Midltown, Capt. Nathanll White, Lieut William Sumner.
For Lyme, Ensign Joseph Peck, Capt. William Eely.
For Stoningtō, Mr Manasseh Minor.
For Farmingtō, Capt. Tho. Hart, Ens. John Hart.
For Waterbury, Lieut Tho. Jud.

Acts passed in this Assembly.

Impr. An Act for the better preventing of the spreading of Infectious Sicknesses.

Whereas shipps and other vessells arriving within this Colonie from parts beyond the seas are oftentimes during their passage visited with the small pox, and other infectious sicknesses, or come from places where such sicknesses are prevailing and epidemicall, bringing with them cotton wooll or other cōmodities, in which the contagion is lyable to be conveyed, which has in time past proved to be of pernicious and fatall consequence, to the people inhabiting where such vessells have arrived, the masters or cōmanders of such shipps or vessells, not taking that due care as in such case they ought, to give information thereof, before they bring their shipps or vessells into harbour, and have landed their passengers or goods,

For prevention of which mischief for future, and that this Colonie by the blessing of God may be preserved from the coming in and spreading of contagious mortall sicknesses: Be it enacted by the Deputy Governour, Councill and Representatives, in Generall Court assembled, and by the authoritie of the same: That no master or cōmander of any ship or vessell arriving to any port or harbour within this Colonie, in which ship or vessell, any person, passenger or seaman upon their passage shall be visited with the small pox, or any other conta-

* Clerk of the lower house.

† "Mr. Andrew Messenger and Mr. Samll Jennr departed the Court 26 May." Civ. Off. &c., I, 73.

gious sicknesse, or shall come from any port or place where any such sicknesse is epidemicall and prevailing, may presume to sail or bring his ship or vessell within the space of halfe a mile next unto any pear, wharfe, or landing place without licence first had for so doing from the Governour or Comander in Chief of this Colonie for the time being, or from the two next Assistants or Justices of the peace (where such harbour doth not lie near the place of the Governours residence) nor shall permitt or suffer any of his passengers or seamen to be landed or brought on shore, or any person or persons to come on board without licence as aforesaid first had and obteined for the same, on pain that every master or comander of any ship or [383] other vessell offending against this act shall forfeit || the sume of twentie pounds, whereof one third part shall be unto him or them that shall complain and prosecute to effect, and the remainder to the treasury of the countie, wherein the offence shall be committed, to be recovered by action, bill, plaint or information in any of his Majesties courts of record in such countie, wherein no essoign, protection or wager of lawe shall be allowed. And to the intent that all masters or comanders of shipps or other vessells not belonging to this Colonie may be duely informed of their duty by this act required, the collectors and navall officers in every town and port where such are, and where no such are such other person or persons as shall be nominated and appointed by the justices of the countie court are hereby comanded and enioyned to examine and enquire of the health of all shipps and other vessells arriving to the same, and to acquaint the masters or comanders thereof of the import of this act.

And be it further enacted by the authority aforesaid: That if any passengers or seamen arriving in any ship or vessell visited with the small pox, or other pestilentiall or infectious sicknesses upon her voyage, or that shall come from such port or place where such distempers are epidemicall and prevailing, shall presume to come on shore before licence had as aforesaid, it shall and may be lawfull to and for any Assistant or justice of the peace to require or send such person or persons with their clothing and bedding on board such vessell again, or to

confine them to such other place or places as such Assistant or justice shall judge most suitable for preventing of infection; and all the costs and charges arising thereupon to be answered and paid by the passenger or seaman so offending as aforesaid, who also shall forfeit the sume of ten pounds to the use aforesaid, and to be recovered in maner as aforesaid.

And further it is enacted by the authority aforesaid: That when and so often as it shall please God to visit any of our neighbour Provinces or Colonies or any town or plantation within this Colonie or elsewhere (from whence there is resort into neighbouring townes within this Colonie by land travailers) with pestilential or contagious sicknesse, it shall and may be lawfull for the justices and select-men that are in the severall townes in this Colonie to provide and appoint one house in each of their respective townes which may be most suitable for the enterteinment of such who shall necessarily travail from such place, and the said justices and select-men are hereby required and authorized to give such orders respecting such travailers houses and the people of the town, as in their discretion shall be thought fitt and needfull for the preventing of the spreading of such infection or contagion, and whosoever shall not conforme thereunto (the same being first published in the towne, or made known to such person or persons) shall forfeit for every offence against the same the sume of twentie shillings to the use beforementioned, to be recovered by bill, plaint or information before any Assistant or justice of the peace.

An Act for preventing of undue Tradeing, and regulating the Entring and Clearing of Shipps and Vessells and other Dues thereunto apperteining.

Be it enacted by the Deputy Governour, Councill and Representatives, in Generall Court assembled, and by the authority of the same: That the maritine townes and places hereafter named and no other shall be held, deemed, and adiudged to be Lawfull Ports within this Colonie, that is to say, Newlondon, Saybrook, Gilford, Newhaven, Milford, Stratford, Fairfield and Stanford; att every of which aforesaid ports an office shall be [384] held and kept for the ‖ entring and clearing of all ships

and other vessells trading to or from this Colonie, to be called and known by the name of the Navall Office, with such fees as have been accustomed; and at one of the ports aforesaid and not elsewhere, all ships or other vessells trading to or from this Colonie shall lade and unlade all goods, comodities, wares and merchandizes whatsoever which they shall import or export.

An Act in addition to the Lawe made Octobr the 10th, 1700, for the raising of money in the severall townes in this Colonie for the maintenance of a Schoole in each town after the rate of fortie shillings upon every thousand pounds in the respective lists of estates in each town, and to ensure the paymt thereof according to the true intent of the said Lawe, and for the discharge of the constables.

It is ordered and enacted by the Deputy Governour, Councill and Representatives, in Generall Court assembled, and by the authority of the same: That when the respective constables in the severall townes have levied the said sumes of fortie shillings upon the thousand pounds they shall deliver the same to the comittees for the school in such towns where comittees are, or in defect of such officers to the select men of the towne or their order: Provided the said comittees or select-men will give them certificate under their hands of their receit of the said money and improvement thereof for the maintenance of schools in their townes respectively according as the said law directs, which the said comittees and select-men upon receit thereof are hereby required to doe, which certificate being shewn to the treasurer, shall be the constables discharge; but in default of such certificate, the treasurer shall have full power to demand and receive the money of such constable or constables where such default shall be, and to compell him or them to make paymt thereof to him, as a debt due to the countrey treasurye.

Whereas it is observed that some persons in this Colonie having purchased Negro or Malatta Servants or Slaves, after they have spent the principall part of their time and strength in their masters service, doe sett them at liberty, and the said slaves not being able to provide necessaries for themselves may become a charge and burthen to the towns where they have served: for prevention whereof,

It is ordered and enacted by this Court and the authority thereof: That every person in this Colonie that now is or hereafter shall be owner of a negro or malatta servant or slave, and after some time of his or her being taken into imployment in his or her service, shall sett such servant or slave at liberty to provide for him or herselfe, if afterward such servant or slave shall come to want, every such servant shall be relieved at the onely cost and charge of the person in whose service he or she was last reteined or taken, and by whome sett at liberty, or at the onely cost and charge of his or her heirs, executors or administrators, any law, usage or custome to the contrary notwithstanding.

Whereas the late act of the Generall Assembly in May, 1700, ordering the annual Nomination and Election of Justices in the severall Counties is found to be an occasion of Strife and Debate in the severall Townes which had a liberty to nominate their Justice or Justices,

It is therefore ordered and enacted by this Court: That the [385] said act be repealed, || and it is hereby repealed and made void: and it is further enacted by the authority aforesaid, that the judges for the countie courts and justices for the respective counties shall for the future be annually appointed by the Generall Court, any former lawe, usage or custome to the contrary notwithstanding.

It is ordered and enacted by this Court and the authority thereof: That the five Assistants in the counties of Newhaven and Fairfield shall hold the Court of Assistants in October next, they or any three of them to be a quorum, the eldest Assistant present to preside in the said Court; who shall have full power to hear and determine all matters and things which by lawe are cognizable in the Court of Assistants.

It is ordered and enacted by this Court and the authority thereof: That the Kings Proclamation for the prevention of Irreligion and Profanenesse shall be read publickly by the ministers in their respective congregations in this Colonie at the least four times in the year, viz. once every quarter of the year.

To the intent that his Majesties subiects in this Colonie may have relief against any iniury or wrong done to them, by the

male-administration of any inferiour court of judicature, assistant or justice of the peace, by denying to them such rights and priviledges as are their just right and due by lawe, or otherwise oppressing them under colour and pretence of lawe,

It is enacted and ordeined by this Court, and by the authority of the same: That all persons aggrieved by such male-adminis tration, shall have free liberty to make their application to the Govern^r^ in Councill, and to declare the cause and ground of their aggrievance; and that it shall be in the power of the Governour with the advice of his Councill, to order a writt to issue forth in his Majesties name directed to the sherriff of the countie where the male-administration is comitted, or his deputy, to be served fourteen dayes before the courts sitting, to cite the person or persons accused of such male-administration to appear before the next Generall Assembly to answer what shall be obiected against him or them concerning the premises; the partie complaining giving sufficient bond to such vallue as the Govern^r^ shall appoint to prosecute his complaint to effect, and to answer all damages to the person or persons cited if his complaint shall appear to be causelesse and uniust.

It is ordered and enacted by this Court: That all Assistants, justices of the peace, surgeons, physitians, and schoolmasters, shall be rated in the ministers rate as other persons in the respective townes and societies to which they belong, any law or custome to the contrary notwithstanding.

Capt^n^ Nathan Gold is by this Court appointed Judge of the Countie Court and Court of Probates in the Countie of Fairfield.

Will Pitkin Esq^r^ is by this Court appointed Judge of the Countie Court and Court of Probates in the Countie of Hartford.

Maj^r^ Moses Mansfield is by this Court appointed Judge of the Countie Court and Court of Probates in the Countie of Newhaven.

Capt. Dan^ll^ Wetherell is by this Court appointed Judge of the Countie Court and Court of Probates in the Countie of New London.

Justices appointed for the Countie of Hartford.

Justices of the Peace and Quorū are:

Mr John Haines,
Mr Thomas Hooker,
Mr Henerie Woolcutt,
Mr John Elliott,
Capt. Thomas Hart,
Mr John Hooker,

Justices of the Peace are:

Lieut James Treat,
Capt. Robert Wells,
Mr John More,
Capt. Nathanll White,
Capt. John Higlye,
Mr Joshua Riplie,
Capt. George Gates,
Eleazar Kimberly,
Lieut Thomas Jud.

[386] *Justices appointed for the Countie of Newhaven.*

Justices of the Peace and Quorum are:

Capt. Ebenezer Johnson,
Mr Jeremiah Osborn,
Mr John Allin,
Mr William Malbie,
Capt. Eleazar Stent,
Mr Tho. Clerk.

Justices of the Peace are:

Mr Joseph Treat,
Capt. Samuel Eels,
Mr John Hall.

Justices appointed for the Countie of Fairfield.

Justices of the Peace and Quorum are:

Capt. James Judson,
Capt. Jonathan Sellick,
Lieut John Wakeman,
Capt. Mathew Sherwood,
Capt. James Olmstid,

Justices of the Peace are:

Mr Samll Hoyt,
Mr John Sherman,
Capt. John Minor,
Mr Jame Bebee,
Lieut Samll Peck,
Mr Peter Burr.

Justices appointed for the Countie of Newlondon.

Justices of the Peace and Quorū are:

Mr Nathanll Lynd,
Mr Daniel Tayler,
Capt. William Eelye,
Mr Richard Cristophers,
Mr Nehemiah Smith,

Justices of the Peace are:

Mr Nehemiah Palmer,
Mr John Tracie,
Capt. Richard Bushnell,
Lieut Henerie Crane,
Mr Jonath. Tracie.

Ordered and enacted by this Assembly: That the Councill assigned to assist the Governr, or in his absence the Deputy Governr, in the intervale of the Genll Assembly shall consist of four Assistants at the least; and that the Governour and in his absence the Deputy Governour with four of the Assistants convened in Councill shall have power in the intervales of the Generall Assembly to mañage the affairs of the Colonie according to charter, they not to raise men to send out of the Colonie (unlesse in case of exigencie) nor to dispose of money.

This Assembly leaves it with the Governr and his Councill to appoint a day of fasting and prayer throughout this Colonie at such time as they shall judge meet.

A bill drawn for a day of fasting and prayer was read and approved of by this Assembly.

Ordered by this Assembly that a letter be sent to the Lord of Cornbury in the name of the Governr and Company, to congratulate his lordships happie arrivall in the citie of Newyork. [387] || A letter drawn to be sent to his lordship was read and approved in this Assembly.

Capt. Nathan Gold and Capt. Aaron Cook were appointed to return the thanks of this Assembly to the Reverd Mr Charls Chancie for his pains in preaching the election sermon.

Capt. Aaron Cook, Lieut Abraham Fowler, Mr Peter Burr, Capt. William Eely, and Mr John Allin, or any four of them, are appointed Auditors to auditt the Colonie accounts and return the account thereof to this Court in October next.

Pursuant to the grants made by the Honble Genrll Assembly sitting at Hartford in Octobr, 1698, unto John Winthrop Esqr. and Mr Gurdon Saltonstall, both of Newlondon, of two hundred acres of land to each of them, there was laid out by me John Prentis surveyor, the land which is, and was then bounded by me as followeth, viz. the north bounds is a line ruñing from a pine tree by the side of a pond, above Mr Samll Rogers' farme, coñonly called Twentie-mile Pond, standing on the east side of said pond, due east two hundred and fortie rods to a great white oak marked on four sides (for a corner tree N E) which white oak is on the top of a long fair plain hill and fair in sight of a hollow, where there is a small swamp on the east of it; and from thence (for the east bounds) a line which ruñes due south to a young chestnut tree on the east side of the litle pond, which

chestnut tree stands within a rod of said pond under a clift of rocks, and is marked on four sides for a south-east corner; and from thence (for the south bounds) a line which runes due west two hundred and fortie rod to a large fair spreading white oak upon the brow of a hill with a plain on the top, which white oak is within ten rod of a fresh meadow with high rocks three or four in the midle of it, and bearing from the said tree about north northwest, which tree is marked on four sides for the southwest corner; and from thence (for the west bounds) a line runing north, by the west side of a small island in the aforesaid great pond and so north to the aforementioned pine tree on the east side of the s^{d} great pond marked on four sides for the northwest corner, conteining four hundred acres more or lesse. This land was thus bounded and laid out to the abovesaid John Winthrop Esq^{r} and M^{r} Gurdon Saltonstall, as is above expressed, Feb^{r} 20th, 169$\frac{8}{9}$. John Prentis, Survey^{r}.

The Gener^{ll} Assembly having considered the survey of the land above described laid out for the Hon^{ble} Fitz John Winthrop Esq^{r} and M^{r} Gurdon Saltonstall, conteining for each of them two hundred acres of land, doe approve thereof and doe grant that the gentlmen to whome the said land is laid out as is above exprest shall have and enioy the same to themselves and their heirs forever, provided it doe not interferre upon any former grant.

Whereas our Honrd Govern^{r}, by reason of illnesse, hath been at extraordinary charge in his coming by water from Newlondon to attend the Generall Assembly sitting in Hartford, this Assembly doth order that the piñesses crew shall be paid out of the Colonie treasury three shillings p^{r} day in currant pay for each man during the time of their attendance upon his Hon^{r} here at Hartford, and also after the same rate for three days in coming to Hartford and three days in returning home again to Newlondon.

This Assembly doth adde fiftie five pounds, to what was formerly granted for repairing the fort at Saybrook, to be paid out of the publick treasurie and to be improved in that work by the Governours order. An account thereof to be returned to this [388] Assembly how it is improved by some person || intrusted for that affair.

This Assembly doth adde fortie five pounds to what was formerly granted for repairing the fort at Newlondon, to be paid

out of the countrey treasurye, and to be improved for that end by the Governrs order. An account thereof to be returned to this Assembly by some person appointed by the Governour to take the care thereof.

A Bill for officers and souldiers to comand and guard the Forts at Newlondon and Saybrook was exhibited and past in this Assembly. The bill is in the words following, vizt:

A Bill for the better safeguard of his Majesties interest in this Colonie without any charge to the Colonie in time of peace, warre being every day expected.

First, That Lieut John Clerk of Saybrook being now imployed by the Governr in the reparation of that fort be removed from the foot company to comand in the fort, and that one third (or such other part as the Governr shall see meet) of the company in that towne be ordered to that service under the said Clerks comand.

Secondly, That Capt. John Prentis, who is already in comission for the fort at Newlondon, and by order of the Governr in the reparation of the same, be continued, and that one third (or such other part as the Governr shall see meet) of the companies of said town be ordered to that service under the said Prentis his comand.

And in case that the abovenamed comanders will not accept the comand abovesaid without standing salleries, then it shall be in the power of the Governr to comissionate such other suitable persons as will accept thereof upon those termes in time of peace.

This Bill is past in both Houses with this proviso, viz. Provided neither officers nor souldiers be under pay in time of peace.

Ordered and enacted by the Deputy Governr, Councill and Representatives, in Generall Court assembled, and by the authority of the same: That all persons inhabiting on the east side of the great river in the township of Hartford, shall pay their proportion with the rest of their neighbours, towards the maintenance of the ministrie there, any former lawe or usage to the contrary notwithstanding; and that the inhabitants there shall have full power to choose meet persons to make such rates

as from time to time shall be needfull for the maintenance of the ministrie there, and also collectors to gather the same; and that the bounds of the said societie are the great river west, Windzor north, Glassenbury bounds south, and to extend eastward to the extent of Hartford bounds. Always provided, that the comon lands on that side the river are not intended to belong to that societie, neither are such persons as inhabit on the west side of the river having lands or estates on the east side included in said grants.

[389] Lieu^{t} Abraham Bradley and Ensign Nathaniel Stone in behalfe of the town of Gilford requesting this Assembly that their neighbours, at the east end of their township may be ordered to pay their ministers rates to the minister of Gilford untill they are capable of setting up and maintaining the worship of God among themselves, notwithstanding a former liberty granted to them to pay such rates to the minister of Kenelworth, their said neighbours not attending the order of this Assembly by which such liberty was granted to them: in answer whereunto, this Assembly doth now order, that provided those persons inhabiting at the east end of Gilford township shall annually pay to the minister of Kenelworth their ministers rate in proportion to the severall inhabitants of Kenelworth, to be assessed upon them according to their severall lists of persons and estates conteined in the countrey list, taking receits of the payment thereof from the collector of the ministers rate in Kenelworth, then the said inhabitants shall enioy the benefitt of the former order of the Generall Assembly and the liberty granted them thereby untill they have a minister among themselves. But in case the said inhabitants shall not attend this order in paying to the minister of Kenelworth and taking receits as aforesaid, they shall then pay their ministers rate to the minister of Gilford in proportion with the rest of the inhabitants of Gilford, and the collectors of the ministers rate in Gilford shall have full power to collect the same. This order is to be published in Gilford to the intent that the persons concerned may conforme themselves accordingly.

The town of Farmington labouring under great difficulties in referrence to the calling and settling of a minister among

them and other ecclesiasticall concernes, certain of the inhabitants made their addresse to this Assembly praying advice and relief: in answer whereunto this Assembly doth order and direct them to seek councill and help from the reverend elders hereafter named, viz. the Reverd Mr Abraham Pierson, Mr James Noyes, Mr Tayler, Mr Noadiah Russell, Mr Saml Russell, and Mr Thomas Ruggles, or any five of them, whome this Assembly doth desire to be helpfull to them, and (unless the said inhabitants shall aggree among themselves to call and settle a minister) to nominate and appoint a minister for them. And in case the minister so nominated and appointed by the said reverd elders will undertake the worke, this Assembly doth hereby order that the said inhabitants of Farmington shall entertein him for one year, and also pay to him such sallerie as hath been usuall and customary among them.

This Assembly being informed that great differences are arisen in the town of Farmington about the choice of town officers, to put an issue to such differences and that the affairs of the town may not suffer, this Assembly doth order that Mr John Hooker, Saml Gridley, John Wadsworth, Saml Cowells, and Danl Andross, shall be townsmen for this present year, and the said townsmen and all other officers that are chosen and sworn shall continue in their places for the terme aforesaid and they are confirmed so to doe.

Andrew Lester and Thomas Starre, both of Newlondon, complaining that they are damnified four pounds sixteen shil- [390] lings and sixe pence cash || by Joseph Gustin a fellon making his escape out of Newlondon gaol through the insufficiency of the sd prison (although protested against before the fellon was comitted) and praying they may have the abovesaid charges repaid: it is now ordered that the countie of Newlondon doe pay out of their countie treasurie to said Andrew Lester and Thomas Star the abovementioned sume of four pounds sixteen shillings sixe pence cash.

Mr Joseph Hall appearing in the behalfe of Windham, requesting that they may be two townshipps, this Assembly grants their request upon these considerations, viz. that the north part of the town doe pay their arrears of rates to the

town and minister, as also that they pay their ministers rate to the present ministrie at the south end of the town untill they have an able orthodox minister of the gospell called and settled amongst themselves; as also if their bounds already granted will allow of two townships. And the name of the town at the north end shall be Mansfield. The brand mark of their horses when y^e^ town is divided to be MM.

Ordered by this Assembly that the constable or constables of Fairfield and Stratford, or those to whome orders shall be sent annually for the paym^t^ of the schools there, shall pay to the school master of Stratfield, so much as ariseth upon their part of the list at fortie shillings upon every thousand pounds, according to [the] late lawe for schools.

This Court doe free and release the Hon^rd^ William Jones Esq^r^ late Deputy Govern^r^ from all future countrey rates, viz. from paym^t^ of rates for his person and for his proper estate under his improvement.

Return of the comittee appointed to runē the dividing line between the towns of New London and Preston.

To the Hon^ble^ Gen^ll^ Assembly of the Colonie of Connecticutt convened at Hartford May 14^th^, 1702.

Whereas this Hon^ble^ Gen^ll^ Assembly at their sessions May the 8^th^, 1701, upon the desire of the inhabitants of the town of Preston did order and appoint Capt. Richard Bushnell, M^r^ Nehem^a^ Palmer and Serj^t^ Caleb Stanley, or any two of them to run the dividing line between the said town of Preston and the town of Newlondon,

Pursuant whereto we the subscribers (having given notice to the selectmen of both the said towns of Preston and Newlondon) did on the 26^t^ and 27^th^ days of March, 1702, (being accompained with the select-men of Preston and divers other inhabitants of the said Preston, and M^r^ John Morgan of Newlondon) attend upon the said worke and did carry the said [391] line and run the same || from Norwich southeast corner tree by Thomas Roses house to Stonington bounds, the which said line runnes about sixe foot southward of said Thomas Roses present dwelling house, and (as we judge) upward of thirtie rods southward of Ensign John Parks his dwelling house, and crossed the northeast corner of M^r^ Robert Parks his dwelling house, and in the said line we marked divers trees; all which we humbly report with submission to this Hon^ble^ Gen^ll^ Assembly, and subscribe Richard Bushnell,
Caleb Stanley.

Note also, that at the east end of the line we run as above expressed, where we left runing the same, we marked a black oak tree on the west side with the letter P, and marked the same also on the north side, which said tree stands on the west side of a hill and as we supposed on the west side of Stonington bounds.

The above return of the runing the line between the townes of Newlondon and Preston is accepted and ordered to be recorded.

This Assembly doth grant that the bounds of the township of Danbury shall extend eight miles from north to south, and sixe miles from east to west, according to a survey or plott thereof drawn by John Plott sen^{r} and Samuel Hayse sen^{r}, exhibited in Court, bearing date Feb^{r} 14th, 169$\frac{2}{3}$, which this Court orders to be recorded. The said survey is recorded in Book D.*

This Assembly doth order that a pattent for the township of Danbury shall be granted to the severall persons hereafter named and intended, as pattentees, to be signed by the Governour or Deputy Governour and the Secretary, with the seal of the Colonie affixed. The names of the pattentees are, James Bebee, Thomas Tayler, Sam^{ll} Benedick, James Benedick, John Hoyt sen^{r}, Josiah Starre, and the rest of the proprietors of the township of Danbury.

This Assembly doth free the town of Danbury from paying countrey rates this present year, they paying their deputies sallerie and all other publick charges amongst themselves, and they making a sufficient cartway from their town and through their bounds and the countrey lands, for transportation of what they raise to the sea.

Vpon the motion of Maj^{r} James Fitch, this Assembly doth appoint Lieu^{t} Nathan^{ll} Chesborough, John Richards and Ensign Jonath. Crane, to view the township of Plainfield, and to advise the inhabitants to the most convenient place for erecting their meeting-house.

Lieu^{t} John Mason is by this Assembly appointed Captain of the trainband in Lebanon, Ensign Jeremiah Fitch to be their

* Recorded with the patent of the town in Col. Rec. of Deeds, Patents, &c., II, 285–7.

Lieut, and Mr Joseph Bradford to be their Ensign, and to be comissionated accordingly.

Serjt Joseph Peck is by this Assembly appointed Ensign of the second trainband in Milford, and to be comissioned &c.

Lieut John Clerk is appointed Capt. of the fort at Saybrook, [392] and Capt. John Prentiss || Captain of the fort at New-london.

The inhabitants of the town of Haddum upon the west side of the great river petitioned this Assembly to appoint a comittee to measure ten miles from the sea through the township of Saybrook upon a north line, to find out the north bounds of Saybrook and south bounds of Haddū.*

This Assembly having considered the pleas of Daniel Brainard, Thomas Clerk, Joseph Braynard, and John Wells, who appeared in the behalf of the town of Haddum to prosecute the said petition, and the replies of Mr John Parker junr in behalfe of the town of Saybrook, doe not see cause to grant their petition, judging the bound between them and Saybrook to be already settled by former comittees, and therefore adiudge ȳ to pay costs to Mr Parker for his attendance at this Assembly.

Abraham Bradley of Gilford complaining to this Assembly that he is aggrieved with the act of the countie court holden at Newhaven Aprill the 21st, 1702, whereby he was denied an appeal from the judgmt of the said court, which he apprehended to be iniurious to himselfe and Aaron Leming a fatherlesse child comitted to his custodie and care: this Assembly having considered his complaint, doe order that he the said Bradley shall have the benefitt of an appeal from the said judgment to the Court of Assistants to be holden at Newhaven in October next, he giving bond to prosecute his appeal to effect, and to answer all damages if he make not his plea good.

This Assembly granteth full power to Marie Bevin of the town of Glassenbury, widdow and relict of Arthur Bevin late of the said town decd, and administrator to his estate, and to John Bevin son of the said Arthur and joynt administrator with the said Marie, with the approbation of Capt. Nathanll White of Midltown and Lieut Samll Hale of Glassenbury, to

* A part of the petition is preserved in Towns and Lands, II, 87.

sell so much of the lands of her deceased husband as shall be judged needfull to be sold, for the payment of his just debts, there not being a sufficiencie of personall estate to doe it.

This Assembly having heard the petition and complaint of Mr William Hoadlie of Branford, wherein he prayes for relief in a case wherein he doth apprehend himselfe wronged by Mr Richard Blackleech of Stratford, his serving an execution upon him by virtue of a judgmt of the countie court holden at Fairfield, from which judgment said Hoadlye did appeal to the Court of Assistants, but by an agreement with Mr Blackleech, as appears by a record of the Court of Assistants bearing date May the 8th, 1699, Mr Blackleech did release Mr Hoadlye from the said judgmt of Fairfield countie court, and thereupon Mr Hoadlie did let fall his said appeal, both parties having aggred to referre all matters depending between them, to arbitration; which design of issue by arbitration failing, Mr Blackleech took out execution upon the said judgmt of Fairfield court. After consideration of the premises, this Assembly doth now order that Mr Hoadlye shall have free liberty to revive and prosecute his appeal from the said judgmt of Fairfield countie court, at the next [393] Court of Assistants, he giving a bond of fiftie || pounds for prosecution, and giving sufficient warning to Mr Blackleech. It is also ordered that Mr Blackleech may have liberty to revive his appeal from a judgment obteined against him by said Hoadlye at Newhaven, in an action respecting moneys due upon the sale of a briganteen sold by them and their partners, Mr Blackleech giving like bond for prosecution.

Complaint being made to this Assembly by Joseph Seldin that Capt. Daniel Wetherell, Mr Richard Cristophers, and Mr Nehemiah Smith, members of the countie court of Newlondon, did denye said Seldin an appeal from a judgmt of the said court to the court of assistants, this Assembly doth declare, that they doe not judge those gentlmen liable to answer said Seldin by virtue of the citation whereby they are now sumoned.

Ordered that Joseph Seldin of Lyme shall have liberty to appeal from the judgment of a speciall countie court held at Newlondon Febr 3d, 170½, wherein himselfe is plaintiff, and Joseph Beckwith and Susanna his wife, and Edward De Wolfe

defendts, unto the court of Assistants to be holden at Newhaven in Octobr next, provided he give a bond to the vallue of fiftie pounds for prosecution of his said appeal, and doe legally sumon the adverse partie to attend said court. It is also ordered by this Assembly that the estate of said Seldin taken by execution shall be returned to him; what is in land shall be returned the same, and what is in other estate, the same shall be returned or the vallue thereof.

Whereas judgment was had against Mr Henerie Woolcutt for costs at Newhaven, upon complaint on a penall lawe made by said Woolcutt: ordered by this Assembly that a supersedeas of any execution upon said judgment be granted, he giving bond sufficient to prosecute his case at the next court of assistants. Mr Henerie Woolcutt doth acknowledge himselfe bound in a recognizance of ten pounds currant silver money to prosecute his review to effect and to answer all damages if he make not his plea good.

Complaint being made by Capt. Stephen Bradley (as atturney *atturney* for his sonne Abraham) of Majr Moses Mansfield for denying him the said Bradley an appeal from the countie court at Newhaven to the court of assistants; this Assembly doth declare it to be their opinion, that Majr Moses Mansfield is not liable to answer the writt whereby he is sumoned to this court to this complaint.

Capt. Cyprian Nichols petitioned this Assembly that he may be repossessed of three hundred acres of land lying on the east side of the great river in the township of Hartford, which Mr Thomas Hooker is possessed of. This petition is not granted by this Assembly, and costs of attendance at this court upon the citation of Capt. Nichols is allowed to Mr Hooker by the Upper House at fifteen shillings pay and eight pence cash.

Execution granted July 17th, 1711.

This Assembly grants to Mr Joseph Bull a review of his case, wherein he was fined 10llls, at the court of assistants next ensuing, provided he give bond to the vallue of twentie pounds for his prosecution at said court.

Whereas this Assembly granted to Mr Joseph Bull a review from the judgment of the court of assistants in May last, to the

next court of assistants, the said judgment being passed upon him for charging Nathaniel Stanley Esq^{r}, judge of the countie court in Hartford countie, with partialitie in his administrations; this Assembly doth judge it very requisite, all circumstances considered, that this review should be prosecuted to effect sometime during the sitting of the court of assistants now depending by adiournment.

M^{r} Joseph Bull presenting a humble submission and acknowledgm^{t} of his error in his s^{d} charge, the Upper House remitted one halfe of his fine and suspended the remaind^{r} till further order.

[394] Vpon the motion of Milford Deputies in behalfe of their town, this Assembly doth give liberty to the inhabitants of the town of Milford to purchase lands at Wiantanock of the Indians, so much as may be sufficient for a plantation; always provided they doe not intrench upon any former grant to any person, or any former purchase, and also make return thereof to this Court in order to their receiving such directions as this Court shall judge fitt for their settlment thereof.

M^{r} Nathan^{ll} Sherman of Stratford and Serj^{t} John Mitchell of Woodbury are appointed by this Assembly to be a com̃ittee to lay out a grant of land formerly granted to M^{r} Giles Hamlin Esq^{r} by this Court.

The same com̃ittee is hereby impowered to lay out to the heirs of M^{r} Nathan^{ll} Collins deceased, a grant of land from this Court to the abovesaid M^{r} Nathan^{ll} Collins, according to grant.

Ensign John Park and M^{r} Manasseh Minor are appointed by this Assembly to lay out to Serj^{t} John Frink of Stonington two hundred acres of land formerly granted to him.

Complaint being made in this Assembly that the Rever^{d} M^{r} Hobart minister of the gospell in the town of Haddum, hath not his dues paid covenanted for, whereby he is reduced to great wants and difficulties: this Court doe therefore order that the select-men of the town of Haddum, doe take speedy care that the collector or collectors of the ministers rates there doe forthwith collect all arrears of rates due to said M^{r} Hobart, viz. of the fiftie pounds, upon such penaltie as the law provides in such case.

This Assembly grants to Capt. Caleb Stanley freedome from paym^t^ of rates for his person, and also exemption from other personall service or duty for the future, which the law might require of him in his private capacity, he being afflicted with lamenesse and inability to attend the same.

This Assembly grants liberty to M^r^ William Malbie to buy four acres of land (and no more) of Jeofferie, an Indian belonging to Branford, which four acres of land is within Branford comon field, at a place called Indian Neck.

Lieu^t^ Aspinall and Lieu^t^ John Chandler are by this Court appointed a comittee to lay out three hundred acres of land to Isaac Wheeler, according to a grant recorded to him in book D, fol. 214.

This Assembly doth impower the Rever^d^ M^r^ Israel Chancie and M^r^ Samuel Sherman to bind out Thomas Sherwood of the town of Stratford, being a fatherless child, an apprentice to a good master to learn a trade that may be for his benefitt, to live with and serve such master till he is twentie one year of age.

[395] Upon the recomendation of the Rever^d^ M^r^ Sam^ll^ Mather, M^r^ Thomas Hooker and M^r^ John Fisk, this Assembly doth licence M^r^ Sam^ll^ Mather jun^r^ of the town of Windzor to be a practitioner in phisick in this Colonie.

This Assembly frees Charls Williams of Saybrook from training, he being chief workman in the iron works there and living sixe or seven miles from town. This freedom to continue during the time he shall be imployed in the service abovesaid.

Tumasett, an Indian, complaining that he lent two guñes in the service to Albanie, which guñes were lost in that service, and desiring a meet recompence for them; this Assembly doth order and appoint Capt. Jn^o^ Minor and Capt. Eben^zr^ Johnson to make inquirie into that matter, and if they doe find that said Indian hath been damnified in that respect, that then they doe agree with him as they can, and allow him a bill for payment out of the Colonie treasurye.

Ordered by this Assembly, that the ferryman or ferrymen that doe or shall attend at Hartford rivulett to transport persons over shall be allowed for their pains twentie shillings out

of the publick treasurye for their ferrying over all the members of this Court during the present session.

This Assembly allows unto Mr John Elliott thirtie shillings in pay for his good conduct as Speaker this present sessions; to Capt. Eleazar Stent five shillings in pay for his Clerkshipp this present sessions more then he hath already received.

This Assembly doth allow to Ephraim Turner constable, three shillings and sixe pence in pay pr day for his attendance on the Court eleven days, he bearing his own charges.

This Assembly allows to Lieut Abraham Brownson nineteen shillings in pay for his attendance at this Court upon the citation of Mr Mathew Griswold.

Complaint being made in this Assembly by John Fellows, Ebenezer Harriss, and John Gallop junr, against Majr James Fitch, for that when the said John Fellows, Ebenezer Harriss, and John Gallop had quietly entred upon a certain parcell of land in the plantation of Plainfield, and had cleared and subdued about eight acres and had a crop of English grain growing thereupon nigh to the harvest, the said Majr Fitch under a pretence of proceeding against them in a judiciall way for forcible entrie, did to the extreme wrong and iniury of the complainants force them off from the said land, not suffering them to inne the crop that was upon it, and also arresting and imprisoning them and extorting a considerable sume of money from them for their freedome. This Assembly having considered the pleas and allegations of both parties, doe see sufficient cause to declare that according to what is presented, the said Majr Fitch hath not attended any due methods of lawe in his proceedings against the parties abovenamed, and that the parties iniured have not been found guiltie of any matter of misdemeanr that might expose them to suffering of imprisonment or losse of goods, and that the method of proceeding against [396] || them by Majr Fitch hath been very erroneous and illegall, and that the said Majr Fitch ought to make good to them whatever losse they have susteined by his illegall and iniurious dealing with them in the premises.

Past in the Upper House, Test. E. Kimberly, Secry.

The Lower House concurre with the Upper House in the

last clause, viz. that the said Majr Fitch ought to make good to them whatever damage they have susteined by his illegall and iniurious dealing with them in the premises (if any such be, and that the said persons have the benefitt of the comon lawe.) Test. Eleazar Stent.

Capt. Joseph Whiting of the town of Hartford making complaint in this Assembly upon the verdict of a jury given in at the court of assistants holden at Newhaven Octobr the 2d, 1702,* and the judgment of the said court thereupon in an action of trespasse commenced and prosecuted against the said Captain Whiting by Capt. Cyprian Nichols of the said town, for forcible entrie upon and deteiner of a parcell of land in the West Division in Hartford. This Assembly having considered the said complaint with the allegations of the said Capt. Whiting to prove the illegality of the said verdict and judgment, doe declare that they are of opinion that the verdict of the jury at the said court of assistants at Newhaven in October last, wherein Capt. Joseph Whiting was plaintiff upon appeal and Capt. Cyprian Nichols defendt, was not a legall verdict, they finding nothing of fact, and therefore the judgment of ye court ought to be reversed, and that the contest between the parties abovesaid may have another hearing at the court of assistants in May next.

For the preventing of Strife and Contention in the Trainbands in this Colonie about Superioritie, and for the promoting of Peace and Order.

It is ordered and enacted by the Governr, Councill and Representatives, in Generall Court assembled, and by the authority of the same: That the companye on the north of the rivulett in the township of Hartford, now under the comand of Capt. Aaron Cook shall be deemed and accounted the senr company in the said township, and that the companie on the south side of the said rivulett shall be accounted and reputed to be the second companye, and that the companie on the east side of the great river in the said township, now under the comand of Capt. Roger Pitkin, shall be accounted the youngest company in the said township.

* So in the record, but read 1701. Record Court of Assistants, I, 180.

And it is also ordered by the authority aforesaid: That the companie or trainband on the south side of the rivulett in the township of Windzor, now under the comand of Capt. Mathew [397] || Allin, shall be esteemed the first company in that township; and that the company or trainband on the north side of the said rivulett, now under the comand of Capt. Abraham Phelps, shall be esteemed the second companie; and that the trainband on the east side of the great river in the said township of Windzor shall be esteemed and reputed the youngest company in that township.

It is also ordered by the authoritye aforesaid: That the companie or trainband at the south part of the town of Wethersfield now under the comand of Capt. John Chester, shall be esteemed the first companie in the said town; and that the companye at the north part of the said town now under the comand of Capt. Thomas Wells shall be esteemed the second companie in the said town.

And it is also ordered: That the north companye in the towne of Midltown now under the comand of Capt. Nathan[ll] White, shall be esteemed and reputed the first companie in the said town; and the south companie or trainband in said town now under the comand of Capt. John Hall, shall be esteemed the second company in the said town of Midltown.

And it is ordered and enacted by this Assembly: That where there are divers trainbands in one town in this Colonie, be they more or lesse, they shall be esteemed but one post or companie in a generall muster, either in drawing up or leading into and out of the field, and so in any more perticular meeting of severall townes, that so each town shall retein its dignitie of precedencie as formerly stated.

And it is further ordered and enacted by the authority aforesaid: That there shall not any majr or field officer have or bare any capts comission for any perticular companie, it appearing that inconvenience doth arise thereby, but that each majr or field officer in this Colonie, shall from time to time, as often as he or they may with conveniencie, have inspection into the severall trainbands under their charge on training dayes, or any other time as they shall see convenient, to observe how they

are disciplined, and what proficiencie they make, and to enquire how they are fixed with armes and amunition, and to indevour the preventing and regulating disorder therein.

Ordered by the Upper House that if the agreement between Joseph Seldin and Joseph Beckwith (parties in the action of appeal beforementioned) to leave the matter of contest between them to arbitration which was prosecuted in the said court at Newlondon and upon which the aforesaid judgment was entred, take effect accordingly, that then the said bond of 50^{lls} to prosecute said appeal shall be void and of none effect.

Allowed to M^{r} John Elliott and to M^{r} Sam^{ll} Gibbs the sume of one pound eighteen shillings and sixe pence for attendance at the court of assistants at Newhaven in Octob^{r} last and at this Generall Assembly, upon the application of Sam^{ll} Dibble, Thomas Dibble and Miriam Gillett, children of Thomas Dibble late of the town of Windzor deceased; the said Sam^{ll} ,Thomas, and Miriā, being unsatisfied with the settlment of the estate of their said father according to a will exhibited in court.

[398] M^{r} William Man of Boston being unsatisfied with the apprizement of a parcell of land taken by execution for a debt due to him from Thomas Burnham, John Burnham, Richard Burnham, and Samuel Burnham, all of the town of Hartford, applied himself to y^{s} Court for relief. The Upper House having considered that the proceedings in the said apprizement have been according to the lawes of this Colonie, doe not see cause to grant him a second apprizement, and the Lower House not recieving his petition, it was not granted, and costs were adjudged to the Burnhams. Costs allowed are two pounds four shillings and sixe pence, 2^{ll}, 4^{s}, 6^{d}.

ATT A GENERALL ASSEMBLY HOLDEN AT NEWHAVEN THE 8th OF OCTOB^{R}, 1702, AND CONTINUED BY ADIOURNM^{T} TO THE 14th DAY OF THE SAME MONTH, POST MERID.

Present:

Majr Gen^{rll} Fitz John Winthrop Esq^{r}, Govern^{r}.
Colon^{ll} Robert Treat Esq^{r}, Deputye Govern^{r}.

Assistants present:

Capt. Andrew Leet,	Capt. John Hamlin,
Majr James Fitch,	Capt. Nathan Gold,
Capt. Danll Witherell,	Joseph Curtis Esqr,
Nathanll Stanley Esqr,	Majr John Chester,
Majr Moses Mansfield,	Josiah Rossiter Esqr.

Deputies present:

For Hartford, Capt. Cypriā Nicholls, Capt. Aaron Cook.
For Newhaven, Mr John Allin, Lieut Tho. Talmage.
For Windzor, Mr John Woollcutt, Mr John Elliott.
For Wethersfield, Lieut James Treat, Capt. Tho. Wells.
For Glassenbury, Lieut Samll Hale, Ensgn Ephraim Goodrich.
For Kenelworth, Lieut Henry Crane, Deacō Jno Griswold.
For Saybrook, Mr Nathanll Lynde, Mr Nathanll Chapmā.
For Windhā, Mr Joshua Riplye, Ens. Jonath. Crane.
For Farmingtō, Capt. Tho. Hart, Ensgn John Hart.
For Branford, Mr Wilł Malbie, Capt. Eleazr Stent.*
[399] For Haddū, Mr Danll Brainard.
For Waterbury, Lieut Tho. Jud, Deacō Tho. Jud.
For Gilford, Lieut Abrahā Fowler, Mr James Hooker.
For Stanford, Lieut David Waterbury, Mr Samll Webb.
For Midltown, Capt. Nathanll White, Lieut Williā Sumner.
For Wallingford, Capt. Tho. Yale, Lieut Samll Hall.
For Newlondon, Lieut James Averye, Mr Jonath. Prentiss.
For Symsbury, Ensign Samll Vmphries, Serjt Danll Addams.
For Greenwich, Mr Jonath. Hustis, Mr Ebenezr Mead.
For Stoningtō, Ensign Manasseh Minor, Mr Henry Stephens.
For Stratford, Mr Ephraim Stiles, Mr John Hawlye.
For Preston, Ensgn John Parks, Mr John Richards.
For Lyme, Capt. Wilł Eelye, Ensgn Joseph Peck.
For Derby, Capt. Ebenezr Johnson.
For Fairfield, Mr Peter Burre, Mr John Edwards.
For Norwalk, Mr Samll Hayse.
For Norwich, Lieut Solomō Tracie.
For Milford, Mr Thomas Clerke, Capt. Samll Newton.
For Saybrook, Mr Nathanll Lynde, Mr Nathanll Chapman.

* Clerk of the lower house.

Acts and Lawes passed in this Assembly.

Ordered and enacted by the Governr, Councill and Representatives, in Genrll Court assembled, and it is enacted by the authority of the same: That the new Revised Printed Lawes* shall take place and be in force on the first day of December next; which books shall be distributed to each towne, according to their proportions by the grand levie, and there be sold or disposed as the townes shall see cause, and the money they are sold for to be returned to the town treasurie; and Capt. Aaron Cook, Mr John Woolcutt, Mr John Allin, Capt. Samll Newton, Mr John Edwards, Lieut David Waterbury, Capt. William Eelye, and Mr Jonathan Prentiss, are appointed forthwith to distribute to each town their proportions: And that the word Tuesday in the fourteenth line of the thirtie first page shall be altered into Thursday in every book by the justices of every towne respectively.

Ordered and enacted by the authority aforesaid: That the old printed lawes title Innkeepers, and title Drunkenness, shall remain in full force as formerly, untill other provision be made [400] for the regulation of innkeepers and retailers of || strong drinke, and prevention and punishment of the sinne of drunkennesse.

Ordered and enacted by this Court &c: That the four assistants in the countie of Hartford, with Majr James Fitch, or any three of them, shall keep the court of assistants at Hartford in May next, the eldest assistant present to preside; and the five assistants in the counties of Newhaven and Fairfield to keep the court of assistants in Newhaven annually in Octobr, the eldest assistant present to preside.

Ordered and enacted by this Court: That the assistants at the court of assistants shall be allowed fifteen shillings pr action in cash and no more. And the jury at said court shall be allowed twelve shillings cash, which shall be all the fees of said court. And the jury at the countie courts are to be allowed

* Acts and Laws of His Majesties Colony of Connecticut in New-England. Boston: Printed by Bartholomew Green and John Allen, 1702, fo. pp. 118. The book is of great rarity, even less seldom to be met with than the edition of 1673. The Charter is not prefixed to that copy in the State Library, nor to any other copy which I have met with.

twelve shillings cash for each action tried by them, besides sixe shillings to the bench, all to be paid down by the plaintiff. Provided alwayes that the fees of the Secretary and clerks of the countie courts be paid to them as formerly.

Ordered and enacted by this Court &c.: That no assistant or justice of the peace shall draw any warrant in any civill case between partie and partie, when such assistant or justice is to be judge in said case.

Whereas in a lawe made in May last for the prevention of undue trading &c. it is said that at one of those ports mentioned in said act all vessells shall lade and unlade: It is now ordered and enacted by the Governr, Councill and Representatives, in Generall Court assembled, and by the authority of the same: That those words Lade and Unlade, shall be repealed, and they are hereby repealed, and instead thereof it shall be worded in said act that all vessells shall enter and clear in one of said ports.

Whereas it is expressed in the lawe for the constituting and regulating the navall office that such officers shall have the accustomed fees: the Governr, Councill and Representatives in Generall Court assembled doe now positively determine that the fees for the navall officers in this Colonie shall be one shilling in cash for entring, and one shilling for clearing any ship or other vessell trading to or from this Colonie.

A question arising whether any person may purchase or any other wayes obtein any lands of the Indians, in such tracts as are granted to any perticular townships after such grants are made by this Court: In answer whereunto the Governour, Councill and Representatives, in Genrll Court assembled, doe declare, that it is onely in the power of such townships to whome the grant is made, to purchase those lands of the Indians; and all other purchases to be illegall.

Ordered and enacted by this Court: That all bills signed wherein the Colonie is made debtr, shall be signed by the justice or justices one at least that lives in the towne where the creditr lives, and the auditors from time to time shall not accept of any bill from the treasurer unlesse it be specified for what it is. It is further ordered that the auditors doe give as

particular an account of the auditt as well they can, and lay it before the Lower House to be kept upon file.

A question arising concerning any miscast in the lists of estates, whether such mistakes ought not to be rectified, and [401] the rate for such || miscast to be collected for the Colonies use, as the rate arising upon the list as entred in the Secretaryes rolls: This Assembly doth answer the question in the affirmative, and that the listers or rate-makers ought, and they are hereby required to return such sume or sumes arising upon such miscast to the Treasurer, that there may be an order by him to the respective constables for collecting the same with the rest of the rates, and the Treasurer to be accountable for said sume or sumes so arising, as he is for the sumes arising upon the lists as they are entred in the rolls as aforesaid.

This Court grants a rate of two pence halfe pennie upon the pound of all the rateable estate of this Colonie, the fortie shillings upon the thousand pounds ordered for the schools in the severall townes to be paid out of it, any lawe or custome to the contrary notwithstanding; to be paid in winter wheat at five ^{s} and sixe pence per bushell, rye at three shillings p^{r} bushell, Indian corn at three shillings p^{r} bush^{ll}, pork at three pounds ten shillings p^{r} barrell, beeff at five and fortie shillings p^{r} barrell; all the grain to be good and merchantable, the pork and beeff in barrells full gage and well repact by a sworn packer and marked with his marke. But if any person will pay two thirds of his rate in money, it shall be accepted for the whole of his rate.

Ordered that the town-clerks in the respective townes within this Colonie shall keep a list or roll of the freemen in their respective townes, and shall himselfe or the constable call over their names at every meeting of the freemen; and whosoever shall be absent from such meeting, being orderly warned by the constable, shall pay a fine of two shillings, to be collected by the constable and disposed of for the use of the towne, unlesse such persons shall make it to appear to the satisfaction of the maj^{r} part of the select-men that they have been necessarily deteined..

Persons nominated to stand for election in May next are:

Majr Genrll Fitz John Winthrop Esqr, Colonll Robert Treat Esqr, Capt. Andrew Leet, Majr James Fitch, Capt. Samll Mason, Capt. Daniel Wetherell, Nathanll Stanley Esqr, Majr Moses Mansfield, Capt. John Hamlin, Capt. Nathan Gold, Wilt Pitkin Esqr, Joseph Curtis Esqr, Majr John Chester, Josiah Rossiter Esqr, Capt. Caleb Stanley, Mr Peter Burr, Mr Richard Cristophers, John Hains Esqr, Mr Thomas Hooker, Mr Jeremiah Osborn.

Ordered by this Court: That the Councill untill the next sessions shall consist of seven, viz. the Governr or Deputy Governr and two of the Assistants at the least, and the remainder to be four able and judicious freemen, as the Governr or Deputy Governr shall call to to Councill; who shall have power in the intervales of the Generall Assembly to manage the affairs of this Colonie according to charter, they not to raise men to send out of the Colonie (except in case of exigencie) nor dispose of money.

[402] This Assembly leaveth it to the Governr, Capt. Witherell and Mr Saltonstall to draw up an addresse to her Majestie, in the name of the Genrll Assembly to congratulate her Majesties happie accesse to the crown, with thanks for her Majesties grace and favour manifested to us.*

Capt. Nathan Gold, Mr John Elliott, Capt. Thomas Hart, Mr Peter Burr, and Capt. Ebenezer Johnson, are chosen and appointed a committee in behalfe of this Colonie, to endevour an amicable agreement with the goverment of Rhode Island, or a committee by them appointed and fully impowered, respecting the settlment of the line between the Colonies of Connecticutt and Rhod-Island; and it is hereby intended that any three of the forementioned committee agreeing, are fully impowered and commissionated to bring that matter depending to a finall issue, and what shall be done in the premises (with submission to her Majesties pleasure) shall be accounted vallid, and shall forever remain to be the line between the Colonies of Connec-

* The letter of the Privy Council announcing the death of King William and the accession of Queen Ann, dated March 11, 1701-02 is in For. Corresp., I, 96. No copy of the address referred to in the text is now found among the files.

ticutt and Rhode Island. Provided that nothing done by the aforesaid committees shall alter or change the propertie of any persons lands, but such propertie shall be saved according to the agreement of our late Governr John Winthrop Esqr decd, and Mr Clerk of Rhode Island, which agreement was made in England; and the abovenamed five gentlmen are desired and appointed to draw a letter to send to Rhode Island preparatory to the speedy accomplishmt of the premises.

Ordered by this Court: That the Governr and Councill in the intervales of the Generall Court shall to the utmost indevour that the goverm^t of the Massachusetts do joyn in setting up boundaries where by joynt and most exact observation, the line between said goverm^t and this Colonie is found that it ought to rune, or else give reason why they doe not. Which if they doe not consent to performe, that a comittee by the Governr and Councill be appointed to sett up sufficient monuments in said found line that it may be known how farre we may improve. This to be done before the Genrll Court in May next.

This Court doth allow a sallerie of one hundred and fortie pounds in pay to the Hond Governr; to the Hond Deputy Governr for his sallerie this present year seventie pounds in pay, they both bearing their own charges.

This Court doth allow to the Treasurer for the time being twentie three pounds for riding the circuit to make up the Colonie accounts with the constables the next year.

This Court doth allowe to the Colonie Sherriff five pounds in pay for his sallerie this year, he bearing his own charges.

This Court grants twentie pounds more then what was formerly granted for the repairing of Saybrook fort, to be paid out of this present rate for the abovesaid service to Capt. John Clerke of Saybrook, who is to be accountable for the same.

This Court doth allow to the Sherriff four shillings pr day in pay, and to the constable three shillings 6d pr day in pay for their [403] || attendance at the Court of Assistants and Generall Court at their present sessions, they bearing their own charges.

This Court doth allow to Capt. John Miles five pounds in pay for the Colonie expences in his house by the Court of Assistants and this Generall Court.

This Court doth allow to the Speaker thirtie shillings in pay for his good conduct this present sessions.

This Court doth allow to Benⁿ Henman of Woodbury eight shillings in pay out of the countrey rate, for his travail to Newhaven to bring their town list and votes for nomination.

This Court doth allow unto Joshua Hogkiss twentie shillings pʳ annū to be paid annually out of the countrie rate (besides the remission of his own countrey rates) to be paid annually during his naturall life.

Ordered by this Court: That the town of Plainfield shall pay the sume of four pounds ten shillings in pay for laying out their township.

This Court doth allow to Doctʳ Carrington for medicine given to a sick man at Newhaven nine shillings in pay, and to Serjᵗ John Ball for dieting of him three weeks fifteen shillings in pay.

Capt. John Chester is by this Court appointed Serjᵗ Majʳ for the countie of Hartford, and to be comissionated accordingly.

Captain Cyprian Nichols is by this Assembly appointed Captain of the trainband on the south side of the riverett in Hartford, Ensign Samˡˡ Howard to be their Lieuteñant, and Mʳ Hezekiah Willis to be their Ensign. And Solomon Andrews is appointed to be Ensign of the trainband on the east side of the great river in Hartford.

Mʳ John Kirtland is by this Court appointed Lieuteñant, and Mʳ Thomas Buckingham junʳ Ensign of the companie under the comand of Capt. John Clerk, capt. of the fort at Saybrook.

Mʳ Abraham Chalker is by this Court appointed Lieuteñant of the trainband in the town of Saybrook, and Mʳ William Pratt to be their Ensign, and all the abovenamed officers to be comissioned accordingly.

Vpon the desire of some persons in the countie of Newhaven to erect a Troup in said countie, this Court having considered their motiō doe grant liberty to erect a troup not exceeding eightie in number, and to be raised out of the severall companies within the said countie in equall proportion, and under the regulation of the chief militarie officers in each companie in the said countie. Provided that each trouper be fitted out

in all respects according to lawe, and while or untill the said troupers are so fixt as abovesaid and have chosen their officers, and the said officers *and the said officers* are comissioned according to lawe, all such persons shall be under the comand of the officers of the companies they are now listed under, and that no souldier shall be compelled to list himselfe a trouper.

This Assembly doth appoint and impower Capt. Cyprian Nichols, Capt. William Whiting, and Mr Caleb Stanley junr, all of Hartford, or any two of the said gentlmen, to be a comittee to lay out to the town of Hartford sixe hundred acres of land granted to them May the eighth, 1672, for the benefitt of a gramar school there, to be laid out to them according to their grant.

[404] This Assembly doth appoint and impower Mr Jeremiah Osborn, Mr William Thomson, and Lieut Thomas Talmage (all of Newhaven) or any two of them, to be a comittee to lay out to the town of Newhaven six hundred acres of land granted to them May the 9th, 1672, for the benefit of a gramar school there, to be laid out to them according to their grant.

This Assembly doth appoint and impower Capt. Nathan Gold, Lieut John Wakeman and Mr Peter Burre (all of Fairfield) or any two of them, as a comittee to lay out to the town of Fairfield sixe hundred acres of land granted to them May the 9th, 1672, for the benefitt of a gramar school there, to be laid out according to the grant, the worke to be done at the charge of the said town.

This Assembly doth appoint and impower Ensgn John Hough, Capt. John Prentiss, and John Plumb, or any two of them, to be a comittee to lay out to the town of Newlondon sixe hundred acres of land granted to them May the 9th, 1672, for the benefit of a gramar school there, to be laid out according to the grant, the worke to be done at the charge of the said town.

This Assembly doth appoint and impower Mr John Wakeman and Mr Peter Burr, both of Fairfield, to lay out to the heirs of Majr Gold one hundred acres of land, granted May the 12th, 1687, to be laid out in such place where it may not preiudice any plantation or former grant, provided it be at the charge of said heirs and be not already laid out by the persons formerly appointed.

This Court doth impower and authorize the widdow and relict of John Tainter of Branford (formerly Dorcas Tainter, now Dorcas Collins) to sell and give a deed for confirmation of one acre of land, which her late husband John Tainter sold in his life time but was taken away by death before he had given a deed of the sale of it.

This Court grants to James Bird one hundred acres of land, to be taken up by him of the countrey land according to the ten^{r} of such grants.

Maj^{r} John Chester, Capt. Nathan Gold, Capt. Nathan^{ll} White, M^{r} Peter Burr, Capt. Thomas Hart and Lieu^{t} Tho. Talmage, are by this Court appointed a com̃ittee to draw a bill to prevent disorders in retailers of strong drinke, and excessive drinking, and to prepare a bill to put in execution the reformation lawes.

Ordered, that whatsoever hath been already done in order to the settlment of the trainbands on the north and south of the rivulett in Hartford shall so remain, and what is further wanting shall be settled by the Serj^{t} Maj^{r} of that countie.

Whereas this Assembly in May last upon the application of Capt. Joseph Whiting declaring his dissatisfaction with the judgm^{t} of the Court of Assistants in October last, in a case [405] || depending between the said Capt. Whiting and Capt. Cyprian Nickolls, did then by their act declare that the said judgm^{t} ought to be reversed: this Assembly doth now reverse the said judgment, and the same is hereby reversed and made void. And whereas the same court in May did declare that the parties might have another hearing in May next, this Court declares that they shall have another tryall at this present court of assistants that is now in being, and to be continued by adiournment unto the last Wedensday of this instant October (in Newhaven) and that by the same jury that had the case formerly com̃itted to them in October last, or other indifferent persons of the neighbourhood; Capt. Joseph Whiting inguaging to pay the extraordinary charge that shall arise thereupon.

Whereas Robert Rumsey of Fairfield presented a petition to this Court, wherein he declares that Ensign John Osburn of said Fairfield, took out an attachment against the estate of Isaac Rumsie, who directed the officer to serve the attachment

upon his said Rob^{t} Rumsies estate, and afterward had the said estate delivered to him by execution of a judgm^{t} he obteined upon the attachment, at a countie court held at Fairfield, Novemb^{r} 4th, 1701, against the said Isaac Rumsies estate, whereby he complaineth that his estate is under a colour of lawe most unrighteously taken from him, and prayes that this Court would restore him to the possession of his estate, which estate appears by the return of the sherriff upon the attachment and execution to be a house and two acres of land, bounded on the northeast with y^{e} lands of Rob^{t} Churcher, southeast with the lands of Rob^{t} Rumsie, on all sides else w^{t} y^{e} com̃on and fences on y^{e} said land, and barley on it when it was attached: This Court having heard the petitioner and seriously considered his case doe judge the estate so attached and delivered to said Osburn by the execution not to be said Isaac Rumsies but in the possession of said Robert when it was attached, and therefore the whole proceeding thereupon to be and hereby declare it to be null and wholly void, and doe order the sherriff of Fairfield countie forthwith to restore the said Robert Rumsie to the possession of the aforesaid estate, the barley onely excepted, to have and hold the same upon as good right as before the abovesaid attachment was served upon it, and doe adiudge the said Osburn to pay all cost and charge that hath been by that illegall proceeding. Cost allowed is three pounds five shillings and sixe pence.

Capt. William Whiting guardian to Sarah Fitch, minor daughter and heiress of M^{r} Samuel Fitch, late of Milford dec^{d}, informing this Court that said minor hath been greatly iniured in the mañagement of her estate by such as pretended to administration: This Court having seen records and papers that seem to demonstrate the same, doe therefore order that all persons concerned in said case, shall appear at the Gen^{rll} Court in May next, that so there may be an orderly hearing and decision of the premises, and in the mean time, that what of that estate is in being shall be secured, and that all lawsuits that may any wayes be com̃enced upon any bills or bonds relating thereunto shall be suspended, said Capt. Whiting giving to the Secretary sufficient bond to prosecute his information and answer all damages, and give suitable notice to said persons concerned.

Mr John Fisk informing this Court that he hath received a considerable wound in the former Indian warres, and therefore requesteth that this Court would release him from the paymt of countrey rates for the future, it is therefore ordered, that said John Fisk be freed from paying countrey rates for the future, viz. during his naturall life.

[406] Mr Riplye appearing in this Assembly and desiring their interpretation of these words, viz. "an able and orthodox minister of the gospell called and settled," in their grant to the inhabitants of the north end of Windham to be a plantation distinct: This Assembly returnes answer that by an able and orthodox minister called and settled, they understand a person competently well skilled in arts and languages, well studied and well principled in divinitie, approving himselfe by his exercises in preaching the gospell, to the judgmt of those that are approved pastors and teachers of approved churches, to be a person capable of dividing the word of truth aright, to convince gainsayers, and that his conversation is such, that he is a person called and quallified according to gospell rule, to be pastor of a church, and in an orderly way settled in that office and worke.

Ordered by this Court, that the serjt majr of the countie of Newlondon take speedy and effectuall care that there be an orderly settling of the military officers in the town of Preston.

List of estates and persons.

	Estates. lls.	Persons.		Estates. lls.	Persons.
Hartford,	18846	310	Glassenbury,	02788	074
Newhaven,	18136	350	Norwalk,	06549	110
Windzor,	14073	250	Farmington,	07575	118
Wethersfield,	12373	257	Haddum, west side,	01861	040
Fairfield,	13530	150	Haddū, east side,	02349	055
Newlondon,	10171	220	Branford,	04739	086
Milford,	11597	180	Stanford,	06870	100
Greenwich,	04045	090	Lyme,	06337	117
Wallingford,	06216	122	Stratford,	11412	140
Symsbury,	03174	070	Woodbury,	03260	080
Waterbury,	02050	052	Kenelworth,	02999	054
Windham,	01827	050	Stonington,	07610	147
Derbye,	02327	053	Norwich,	05922	111
Gilford,	08788	150	Midltown,	07155	173
Saybrook,	06835	134	Preston,	03159	069

The report of the comittee appointed for settling the line between this Colonie and the Province of the Massachusetts Bay, together with a journall of their proceedings therein, was exhibited in this Assembly, and is upon file.*

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[407] Att a Court of Election holden at Hartford, May the 13th, 1703. This Genrll Assembly was continued by adiournmt to ye 27th day of ye same month post merid.

Majr Genrll Fitz John Winthrop Esqr was chosen Governr.
Colonll Robt Treat Esqr, Deputy Governr.

Assistants chosen:

Majr James Fitch,	Wilt Pitkin Esqr,
Capt. Danll Wetherell,	Joseph Curtis Esqr,
Nathanll Stanley Esqr,	Majr John Chester,
Majr Moses Mansfield,	Josiah Rossiter Esqr,
Capt. Jno Hamlin,	Richard Cristophers Esqr,
Capt. Nathan Gold,	Peter Burr Esqr.†

Present at the Genrll Assembly and sworn:

Majr Genrll Fitz John Winthrop Esqr, Governr.
Colonll Robt Treat Esqr, Deputy Governr.

Assistts present and sworn:

Capt. Danll Wetherell,	Wilt Pitkin Esqr,
Nathanll Stanley Esqr,	Joseph Curtis Esqr,
Majr Moses Mansfield,	Majr John Chester,
Capt. John Hamlin,	Josiah Rossiter Esqr.
Capt. Nathan Gold,	

Deputies present:

For Hartford, Capt. Cyprian Nichols, Capt. Joseph Wadsworth.
For Windzor, Mr John Elliott,‡ Capt. Mathew Allin.
For Newhaven, Mr John Alling, Lieut Thomas Talmage.

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* Col. Bound, III, 21, 22.

† Capt. Andrew Leete died Oct. 31, 1702. Capt. Samuel Mason was dropped by the freemen. He died March 30, 1705. Mr. Christophers and Mr. Burr were chosen in their places.

‡ Speaker.

For Newlondon, Lieu^{t} John Hough, Capt. John Prents.
For Fairfield, Lieu^{t} Jn^{o} Wakeman, M^{r} Sam^{ll} Squire.
For Wethersfield, Deacon Wil^{ł} Warner, Capt. Thomas Wells.
For Stratford, Capt. James Judson, Lieu^{t} Tho. Knowls.
For Milford, M^{r} Thomas Clerk, Ens. Joseph Peck.
For Branford, Capt. Eleazar Stent,* M^{r} Wil^{ł} Malbie.
For Midltown, Capt. Nathan^{ll} White, Lieu^{t} Willi$\bar{a}$ Sum̃er.
For Stanford, Lieu^{t} David Waterbury.
For Saybrook, Capt. John Clerk, M^{r} John Whitlsey.
For Wallingford, M^{r} John Merriman, Serj^{t} Thomas Hall.
For Derby, Capt. Ebenezer Johnson, M^{r} John Bower.
For Haddum, M^{r} Dan^{ll} Brainard, Ens. Thomas Gates.
For Preston, M^{r} Caleb Fobes, M^{r} William Billing.
For Kenelworth, M^{r} John Griswold, M^{r} John Crane.
For Lyme, Capt. Willi$\bar{a}$ Eeelye, Ens. Joseph Peck.
For Woodbury, Capt. John Minor, Lieu^{t} Israel Curtis.
For Norwich, Capt. Richard Bushnell, Ens. Tho. Leffingwell.
For Symsbury, Serj^{t} Nathan^{ll} Holcomb, M^{r} Dan^{ll} Addams.
[408] For Gilford, Capt. Abraham Fowler, M^{r} James Hooker.
For Greenwich, Thomas Marshall.
For Windham, M^{r} Joshua Ripley, Ens. Jonath. Crane.
For Danbury, M^{r} Josiah Starr, M^{r} John Cornell.
For Waterbury, Deac$\bar{o}$ Tho. Jud, M^{r} Benj^{a} Barns.
For Stoningt$\bar{o}$, M^{r} Wil^{ł} Gallop.
For Glassenbury, Deac$\bar{o}$ Jonath. Smith, M^{r} Thomas Treat.
For Farmingt$\bar{o}$, Ens. John Hart, M^{r} John Wadsworth.

The Govern^{rs} Hon^{r} took the oath before this Assembly appointed by her Majestie, requiring to take effectuall care that the acts of trade and navigation be duely observed.

The Govern^{rs} Councill stated.

Ordered by this Assembly: That the Councill assigned to assist the Govern^{r} or in his absence the Deputie Govern^{r}, untill the sessions of the Generall Assembly in October next, shall consist of sixe, of which number there shall be two Assistants at the least, with M^{r} Nehemiah Smith, Capt. William Eely, M^{r} Nehemiah Palmer, and Capt. Richard Bushnell; and that the Govern^{r}, or in his absence the Deputy Govern^{r}, with the said

* Clerk of the lower house.

Councill shall have power for the time before specified to manage the affairs of this Colonie according to charter; alwayes provided they are not to raise men to send out of the Colonie (unlesse in case of exigency) nor to dispose of money. And it is also provided that in extraordinary cases the Governr or Deputy Governr shall call the Councill of Assistants as many as can be convened.

Acts and Lawes passed at this Generll Court or Assembly.

It is ordered and enacted by the Governr, Councill, and Representatives, in Generall Court assembled, and by the authoritie of the same: That the severall acts and lawes made in May and Octobr last, shall be and remain in full force, vizt.

An Act for the preventing of the spreading of Infectious Diseases.

An Act for preventing Undue Trading.

An Act for raising money for Schools.

An Act for Negro and Malatta Servants to be maintained by their Masters.

An Act for repealing the lawe enabling freemen to choose Justices.

An Act requiring ministers to read the Queens Proclamation for suppressing Irreligion and Prophanesse.

An Act for Assistants and Justices to pay Rates to the Ministrie.

An Act making the new Printed Lawes to be in force.

An Act for Assistants to be allowed fifteen shillings pr action at the Court of Assistants.

An Act for the old printed lawes, title Innkeepers and Drunkennesse to be in force.

An Act restraining Assistants and Justices of the Peace in drawing of Warrants.

[409] ‖ An Act concerning the Navall Office.

An Answer to a question concerning Buying Land of Indians.

An Act regulating the signing of Bills wherein the Colonie is made debtr.

An Act for regulating Miscasts in the publick Lists of rateable estate.

An Act requiring Town Clerks to keep Rolls of the Freemen in their respective townes.

Ordered and enacted by the authoritie aforesaid that whereas in an act made in May last concerning male-administration, it is said that the partie agrieved hath libertie to make his application to the Governr in Councill, this Court doe see cause to repeal the said act, and it is hereby repealed; and it is ordered that the full and sole power of calling an assistant or justice of the peace to an account for male-administration, doth remain in the Genrll Assembly, as also to grant such citations as they shall see meet upon complaint made to them.

Ordered and enacted &c.: That if there happen a difference between the treasurer and a constable respecting the making up of their accounts, and the treasurer make seizure of said constables estate, such case shall be issued by this Court, coming by way of petition.

Ordered and enacted &c.: That all listers that shall for the future be chosen shall be sworn to a faithfull discharge of the work they are chosen unto. And in case any person be overcharged in the list, either by adding more then ought or by any miscast, such person may repair to the listers for a regulation, and a bill from said listers to the constable and treasurer, that such person is overcharged in the list, shall be a sufficient discharge to the constable and treasurer for so much. And if such listers shall refuse to give such bill of errors to any person, such person hath libertie to apply himselfe to an assistant or justice of the peace, who with the assistance of the majr part of the select men are hereby impowered to inquire into the case, and to grant such bill as they shall find just. The like order to be attended by any constable when the list is overcast in the totall.

Ordered and enacted &c.: That whensoever any person shall build a tennantable house upon any outlands distant from the town plott and there inhabitt and dwell, they shall be rated for a home lott in the cõmon list, not exceeding the quantitie that is ordinarily accounted a home lott in said town, and the rest of the land improved to be vallued as other land of the same profitts.

Ordered and enacted &c.: That whenesoever it shall so happen that so many of the justices of the quorum cannot be readily convened, as by lawe is required for constituting the courts of probates, the next assistant shall and may sitt for constituting of said court and assist in managem^t^ of the affairs thereof.

Ordered and enacted &c.: That when any house lotts doe abutt upon a comon fence, such home lotts shall maintain halfe the fence and the comon field the other halfe; and if the proprietors shall lay open their field, they shall keep up their fence against such house lotts notwithstanding, unlesse they have or shall otherwise agree; provided this act doth not include any houselott within the comon fence.

Whereas oftentimes when upon complaint of misdemean^rs^ [410] persons || being called to give evidence in cases that are of a capitall or criminall nature, or of breach of a penall lawe, doe refuse to give evidence therein, whereby justice is retarded: for regulation whereof, and that justice may be promoted in such cases: It is ordered and enacted by this Court: That for the future after publication hereof, whatsoever person shall be called by civill authoritie to give evidence in any such cases as aforesaid, and shall refuse to make answer, so farre as he is capable to such questions as shall be demanded respecting the case or matter in question, and also shall refuse to make oath that he will declare all and whatsoever he hath knowledge of respecting y^e^ case or matter in question so farre as it concernes any other person besides himselfe, (unless any religious tye of conscience bottomed on the word of God bind him to the contrary) shall by the authoritie before whome he is called to give such evidence be comitted to the countie gaol, there to remain untill he shall make oath that he will give evidence as aforesaid, and to remain in said gaol at his own cost and charge.

Ordered and enacted &c.: That whensoever any person inhabiting in any of the neighbouring Provinces or belonging thereunto shall take out any writt or sumons whatsoever to bring any person or persons belonging to this Colonie to any of the courts thereof, there shall be sufficient bond given by such person with good suretie or sureties of substantiall inhabitants of this Colonie, to prosecute his writt to effect, and to answer all damages if he make not his plea good.

Whereas in the lawe title Executions, pag. 32, it is enacted amongst other things, that in case the debtr shall pay his debt according to contract and all necessarie charges in the space of twentie dayes next after the five dayes mentioned in said lawe, he shall have libertie to redeem the estate seized by execution and sold at an outcry: It is now ordered and enacted by this Court, that the forerecited clause be repealed and revoked, and it is hereby repealed and made void. And it is enacted and declared, that when estate is taken in execution for debt, the debtr shall have twentie dayes libertie to redeem said estate, and no more time, and the five dayes mentioned in said lawe are hereby ordered to be enlarged to twentie dayes.

Ordered and enacted &c.: That all lands rateable by lawe shall be sized and vallued in the lists of estates according to the last valluation in the respective townes in this Colonie.

Whereas in the lawe title Fornication, fol. 7th, it is provided that such as are guiltie thereof shall pay a fine of five pounds to the publick treasurie of the Colonie, it is now ordered and enacted &c. that such fine shall be paid to the countie treasurie of that countie where the fact was comitted.

Ordered and enacted &c.: That for the future all petitions that are preferred to the Genrll Assembly shall be filed in the [411] Secretaries office || on or before the second day of the Courts sitting in May, and on or before the first day of the Courts sitting in October annually, and in defect thereof such petition shall not be heard at that session.

Ordered and enacted &c.: That when charges arise upon processe against delinquents, and no estate of the delinquents to be found, such charges shall be paid out of the countie treasurie, or for want of countie treasurie, out of the colonie treasurie.

Whereas many differences arise about collecting the fines due to trainbands in this Colonie, and the clerks of the bands meet with great difficultie therein; for prevention whereof, this Court doe hereby authorize and impower the two chief military officers in each trainband respectively, to send forth their warrants directed to the clerk of the band to which the delinquents doe belong, who shall levie the fine or fines upon ye

delinquents with the necessary charges, being by virtue of such warrant as fully impowered thereunto, as the constable is in other cases. And if any person be aggrieved therewith he may apply himselfe to the countie court for relief.

Whereas in the printed lawe, title Assize of Caske, fol. 15th, it is enacted that all pork and beeff shipped for exportation without the packers marke shall be forfeited: It is now ordered and enacted by this Court that the said clause be repealed, and the same is hereby repealed and made void; and it is enacted and ordeined that for the future no person shall be required to repack any pork or beeff by him shipped for exportation, any former lawe, usage or custome to the contrary notwithstanding.

Whereas in the lawe, title Rates, fol. 99, it is provided that all estate both reall and personall shall be entred in the lists of estates: It is now enacted by this Court that the intent of the said clause is that all male persons above sixteen years of age (except such as are exempted in said lawe) and all sorts of cattell, horses and swine, as are mentioned in said lawe, and no other shall be listed; and all personall estate not perticularly mentioned in the lawe is excepted.

Whereas it is said in the Justices Oath, that they shall dispence justice according to the comission given them, this Court doe now order and declare that by the terme Comission in the justices oath is to be understood the Lawes of this Colonie, and that the justices shall take the lawes of this Colonie for their comission in their administration of justice.

Ordered and enacted by this Court, that Capt. Nathan Gold shall be Judge of the Court of Assistants at Newhaven the year ensuing, and William Pitkin Esqr shall be Judge of the Court of Assistants at Hartford the year ensuing.

Ordered and enacted by the authoritie aforesaid: That the Courts of Assistants to be holden at Hartford and Newhaven annually shall consist of seven Assistants, or five at the least to make a quorum; in the absence of the judge the eldest Assistant to preside, and the Assistants to attend the said Courts to be from time to time appointed by the Genrll Assembly. Alwayes provided, that the Court of Assistants at Hartford now depending by adiournmt shall be of the same constitution as formerly at their first sitting.

[412] It is ordered and enacted by the authoritie aforesaid: That the five Assistants in the counties of Newhaven and Fairfield, with Capt. Dan[ll] Wetherell and Capt. John Hamlin, or any five of them, shall keep the Court of Assistants at Newhaven in October next; and the Assistants in the counties of Hartford and Newlondon, or any five of them, shall keep the Court of Assistants at Hartford in May next.

Ordered and enacted: That the brand for horses in the town of Colchester shall be this figure , and that this following letter , with the cross stroak in it shall be the brand for horses in Derby, any brand in the printed lawe notwithstanding, and that the figure 4, shall be the brand for horses in Lebanon, any other brand in the printed lawe notwithstanding.

Judges appointed.

Maj[r] John Chester is by this Court appointed Judge of the Countie Court and Court of Probates in the Countie of Hartford.

Maj[r] Moses Mansfield is by this Court appointed Judge of the Countie Court and Court of Probates in the Countie of Newhaven.

Capt. Dan[ll] Wetherell is by this Court appointed Judge of the Countie Court and Court of Probates in the Countie of Newlondon.

Capt. Nathan Gold is by this Court appointed Judge of the Countie Court and Court of Probates in Countie of Fairfield.

Justices appointed by this Court for the severall Counties are as follows:

Imp[r], *for Hartford Countie.*

Justices of the Peace and Quorū are:

John Hains Esq[r],	John Hooker Esq[r],
John Elliott Esq[r],	Capt. Thomas Hart,
Henerie Woollcutt Esq[r],	Lieu[t] James Treat.

Justices of the Peace:

M[r] John More,	Eleaz[r] Kimberly,
Capt. Thomas Wells,	Capt. George Gates,
Capt. Nathan[ll] White,	M[r] Tho. Jud,
Capt. John Higlye,	M[r] Joshua Riplye.

For the Countie of Newhaven.

Justices of the Peace and Quorū are:

Jeremiah Osborn Esq^{r}, William Malbie Esq^{r},
John Alling Esq^{r}, Capt. Eleazar Stent,
Thomas Clarke Esq^{r}, Capt. Ebenezer Johnson.

Justices of the Peace:

Capt. Sam^{ll} Eles, M^{r} John Hall.

For the Countie of Newlondon.

Justices of y^{e} Peace and Quorū.

Nehemiah Smith Esq^{r}, Dan^{ll} Tayler Esq^{r},
Nehemiah Palmer Esq^{r}, Capt. William Eely,
Nathan^{ll} Lynd Esq^{r}, Capt. Richard Bushnell.

[413] || *Justices of the Peace for the Countie of Newlondon are:*

M^{r} Ephraim Minor sen^{r}, M^{r} Jonath. Tracie of Preston.
Lieu^{t} Henerie Crane,

For the Countie of Fairfield.

Justices of the Peace and Quorū are:

Lieu^{t} John Wakeman, Capt. James Judson,
Capt. Mathew Sherwood, Capt. Jonath. Sellick,

Justices of the Peace are:

Capt. James Olmstid, M^{r} James Bebee,
Lieu^{t} David Waterbury, Capt. John Minor,
Lieu^{t} Sam^{ll} Peck, M^{r} John Sherman.
M^{r} Ebenezer Meed,

Maj^{r} Moses Mansfield and Capt. John Clarke are deputed by this Assembly in their behalfe to thank M^{r} Davenport for preaching the election sermon and for his great pains therein.

Capt. Cyprian Nickols, M^{r} John Allin, M^{r} Richard Cristophers and Capt. Jonath. Sellick, are appointed Auditors to auditt the Colonies accounts and make return thereof to this Court in October next; any three of them to act in case the whole number appear not.

This Court doth allow to the Treasurer eight and twentie pounds in pay for riding the circuit to make up the Colonies accounts with the constables this present year.

The disposing of the Colonies grain that is collected is by this Assembly *this Assembly* left to the treasurer, to dispose thereof as he in his prudence may judge to be most for the Colonies advantage.

Whereas the town of Newlondon hath made application to this Generall Assembly that a small tract of land lying on the west side the great river in the said town, between the north bounds of the said towne and the northeast bounds of the towne of Lyme and by a strait line from the northeast corner of Lyme bounds to the southwest corner of Norwich south bounds as the said bounds of Norwich runs, down to Trading Cove, and so by the said cove to the said great river, be added to the township of Newlondon, and a pattent accordingly given for the whole township of Newlondon to the proprietors thereof: This Court grants that the said tract of land shall be added to the township of Newlondon, and a pattent granted to the proprietors of the said town for the whole township signed by the Deputy Govern^{r} (in regard the Govern^{r} is concerned therein) and Secretary by order of this Generall Assembly; provided neverthelesse that whatsoever proprieties whether of English or Indians, that are within the said tract of land, so granted and added, shall be, and are hereby reserved and saved, for the respective possession, use, and improvement of the severall proprietors of the same.

Whereas upon the motion of the Hon^{ble} John Winthrop and Wait Still Winthrop Esq^{rs}, this Court did appoint a com̃ittee to find out and renew the bounds of Quinabaug land, and said com̃ittee having made return of their doings to this Court, this Court doth allow a record thereof as their return or report.

[414] Vpon the motion of divers of the inhabitants of Colchester, it is ordered by this Court that the rates for defraying of town charges arising within the said towne shall be levied upon their lands onely. This order to continue during the Courts pleasure.

This Court grants that M^{r} John Bulkley, M^{r} Sam^{ll} Gilbert, M^{r} Micael Tainter, Sam^{ll} Northam, John Adams, Joseph Pomery, Sam^{ll} Lomis, James Brown, Joseph Pratt, and the rest of the proprietors or freeholders in the township of Col-

chester shall have a pattent given them for the whole township, to be signed according to lawe.*

Whereas it hath been formerly represented to this Court that the great difficulties, inconveniences and hazards that the inhabitants of the north part of the town of Windham (called Pond Town) were exposed unto by reason of their being settled so remote from the south part of the said towne, and by reason of the deep and dangerous river lying and ruñing between them did necessitate them to make their application for an act of this Court to be made, for the dividing and making the said towne of Windham to be two townships, which they prayed might be done according to a voat of the said towne or agreement made amongst themselves bearing date Jan^{ry} the 30th, 1700, and thereupon this Court at their session Octob^{r} 9th, 1701, did approve the said voat or agrem^{t} and ordered the same to be recorded; and also at their sessions May 14th, 1702, did further grant that the said towne of Windham should be made two townes, and that the north part thereof (called Pond Town as aforesaid) should be a township called and known by the name of Mansfield; and whereas the inhabitants of the said townes of Windham and Mansfield have since, viz^{t}, in March last past, procured a survey to be made of the lands in their said townes, and the division and partition lines to be drawn and marked out according to their said voat or aggreement, as by the report of the surveyor and platt thereof by him made doth appear, and have now made their application to this Court that they may have each of them a grant of this Court for the lands belonging to them respectively parted and sett out to them by the survey made thereof as aforesaid, and each of them be incorporated and made a township with all such im̃unities, priviledges and powers as generally other townes within this Colonie have and doe enioy, and that they respectively may have pattents granted by this Court for the said lands, priviledges and powers accordingly; and forasmuch as they are a considerable number of inhabitants and a good quantitie of land convenient for two townships,

* The petition of the inhabitants of Colchester for a patent and to have rates levied upon lands only is in Towns and Lands, II, 109. It was granted May 27, the last day of the session. The patent is recorded in Col. Rec. of Deeds &c. II, 407.

[415] Be it therefore enacted by the Governr, Councill and Representatives in Genrll Court assembled, and by the authority of the same it is enacted: That henceforth all that tract of land which is the said south or southeast part of the said late town of Windham, as now bounded and sett out by the lines, boundaries, and survey thereof as aforesaid, that is to say, bounded on the north partly with a line drawn or run from Abaquaug west to Willamantick River, and partly with a line drawne from a certain pine tree (mentioned in the aforesaid voat or agreement) to the same river, and on the northwest with a line drawn from the said pine tree, northeast by north five degrees 15 minutes easterly intersecting the north boundarie, and on the west or southwest with the said Willamantick River, and on the east with a line drawn frō Abaquaug aforesaid on the point south by west 4 degrees westerly eight miles 72 rods in length to a certain tree or place fixed, and on the south with a line run from the said tree or place fixed to Willamantick River, conteining about 41 square miles of land, together with that tract of land purchased of Thomas Buckingham and John Clark of Saybrook Gent. by Ensign Jonathā Crane and Thomas Huntington, is and shall be a township and called by the name of Windham, as formerly; and that Joshua Riplye, Samll Whiting, John Fitch, Jonath. Crane, Thomas Bingham, Thomas Huntington, Jonathā Ginnings, Robt Hibbard, Jeremiah Riply, John Beckas, William More, John Waldo, Joseph Cary, Thomas Leffingwell, Jonah Palmer, John Broughton, Abram Mitchell, Danll Edwards, John Reed, Joseph Huntington, and sundry other persons the proprietors thereof, shall have and enioy to them, their heirs and successors all the said land bounded as aforesaid, and all such imunities, priviledges and powers, as generally other townes in this Colonie have and doe enioy, and also shall have a pattent made unto them for the same lands, imunities, powers and priviledges hereby granted, for a full confirmation thereof to them accordingly. The pattent to be signed by the Governr and Secretary in the name of the Genrll Assembly and sealed according to lawe.

And it is further enacted by the authoritie aforesaid: That

henceforth all that tract of land which is the said north or northwest part of the said late town of Windham, as now bounded and sett out by the lines, boundaries and survey thereof as aforesaid, that is to say, bounded on the north with the aforementioned line drawn from Abaquaug west to Willamantick River, on the west with the same Willamantick River, on the south with the aforesaid line drawn from a pine tree to the said river, and on the east or southeast with a line drawn from the said pine tree northeast by north 5 degrees 15 minutes easterly intersecting the north boundarie, conteining about 41 square miles of land, is and shall be a township and called by the name of Mansfield, as aforesaid, and that Shuball Dimmick, Joseph Hall, Sam^{ll} Stores, Wil^{t} Hall, Kenelm Winslow, Rob^{t} Fenton, Nathan^{ll} Bassett, John Arnold, John Davis, Ben-
[416] jamin Armstrong, Sam^{ll} Stores jun^{r}, || Joseph Howes, Mary Dunham, Susanna Wade, Peter Cross, Sam^{ll} Fuller, Allyn Nichols, Joshua Allin, John Royse, Sam^{ll} Linkhorn, Sam^{ll} Bliss, John Gorum, Isaac Chapman, and sundry other persons the proprietors thereof, shall have *shall have* and enioy to them, their heirs and successors, all the s^{d} lands bounded as aforesaid, and all such i$\bar{m}$unities, priviledges and powers, as generally other townes in this Colonie have and doe enioy, and also shal have a pattent made unto them for the same lands, immunities, powers and priviledges hereby granted, for a full confirmation thereof to them accordingly; the pattent to be signed by the Govern^{r} and Secretary in the name of the Generall Assembly and the Colonie seal affixed to it. Provided notwithstanding that the inhabitants of the said towne of Mansfield shall pay towards the charge of the maintenance of the minister of Windham (for and during such time onely as they shall be without an orthodox minister of the gospell to preach the word of God unto them) according as their proportion shall arise and be by the lists of their estates, two third parts of their full proportion, (with the said Windham) of the said charge and no more.

Whereas it hath been made appear to this Court that at a town meeting in Midltown, or meeting of the inhabitants of Midltown, the 18th day of Jan^{ry}, 170$\frac{2}{3}$, upon the request of

that part of the said inhabitants living on the north side the riverett or little ferry river there, by a voat of the inhabitants of the said towne, there was a libertie and priviledge granted to those the said inhabitants thereof living on the north side of the said riverett, at their own proper cost and charge to build a meeting house and to procure and settle an orthodox minister of the gospel amongst themselves, and to maintain and uphold the publick worship of God amongst them there; and the said inhabitants on the north side the said riverett having thereupon made application to this Court, praying that they may have a confirmation of the said libertie and priviledge, and that by an act of this Court they may be made a distinct parrish and societie by and of themselves, with all such liberties, powers and priviledges, as other societies and congregations in this Colonie generally have and doe enioy.

Be it therefore enacted by this Court and the authoritie thereof, and it is enacted: That all those persons that now [417] || are and hereafter at any time shall be dwellers and inhabitants on the north side of the said riverett in the said towne of Midltown, are and hereafter shall be one intire societie and parish by and of themselves, and shall have and enioy all such powers, liberties and priviledges, as other societies and congregations in this Colonie generally have, or by lawe may have, enioy and use, for the choosing collectors and levying of rates and money for the charge, settlment and maintenance of their minister, and upholding the publick worship of God among them, from time to time as need shall require.

And it is further enacted by the authoritie aforesaid: That all and every the said dwellers and inhabitants on the north side the said riverett in Midltown aforesaid, shall bear and pay their respective rates and proportions of the said charge to be levied upon them according to their respective estates from time to time (lying and being within the said township of Midltown or any and every part thereof) as they shall be sett in the generall list or lists of the persons and estates of the said town; and that all the rest of the inhabitants of the said towne of Midltown shall pay to the maintenance of the minister of the south side of the said riverett from time to time as formerly.

Provided always, that all the inhabitants that are or shall be on the south side the said rivulett and all the inhabitants that are or shall be on the east side of the great river within the bounds of Midltown with their estates wherever they lye in the said towne, shall pay towards the charge of the ministrie on the south side of the said rivulett.

Provided also neverthelesse, that all and every of the said inhabitants on the north side the said riverett, untill they shall have an orthodox minister of the gospell in the exercise of preaching the word among them, shall pay their parts of the charge of the maintenance of the present minister of the said town as formerly.

Mr Joseph Hand of Gilford preferring a petition to this House, signed by severall inhabitants of said Gilford living on the east side of their Neck River, wherein they pray for a libertie to provide a minister and build a meeting house, and be a societie by themselves: This Court doe grant their petition upon the same conditions that the town have granted them, no wayes obliging any other of their neighbours to joyn with them without their consent.

Vpon the request of Plainfield inhabitants to have the libertie and approbation of this Court for the calling their minister to office, viz. Mr Coit, to *to* pastorall office amongst them, this Court grants their request, they taking the advice and concurrence of the neighbouring churches and elders.

The inhabitants of Plainfield addressing themselves to this Court for a dividing line to be stated between the east and west side inhabitants, and the line proposed for a division its feared will prove very preiudiciall to the field on the east side, therefore doe order that the river be the dividing line between the east and west inhabitants, from the north to the south end [418] of said town bounds, || and doe also order that the inhabitants of the west side doe pay towards the maintenance of the ministrie on the east side in the same proportion according to their estates, with the inhabitants of the east side, till they have an orthodox and approved minister orderly settled amongst them. This Court doe also order that the way of raising the said mainteñance, shall be upon the pole and stock

and lands that are or shall be improved, the first year of improvement onely to be exempted.

Vpon the request of the inhabitants of Plainfield, this Court grants them freedom from paym^t of countrey rates for two years.

Joseph Seldin petitioning this Assembly that some meet persõs be appointed to measure Lyme bounds from the sea northward, that so it may be known whether his farme be in Lyme bounds or in the bounds of Haddum, that it may be known also where he ought to pay his rates, and may by this Assembly be fixed in the inioyment of the rights and priviledges that doe belong unto him: this Court doe not see cause to appoint any man to measure Lyme bounds, but doe order the said Seldin to pay his ministers rate to the minister on the east side of Haddum.

Ordered by this Court, that the bounds between Haddum and Lyme shall be and continue as they were stated by aggreement of committees of both townes May 7^th^, 1673, and afterwards confirmed by the Gen^rll Assembly.

This Court doe grant to Woodbury an addition to their township, viz^t, from the west bounds of Waterbury upon a parralel line to the northeast bounds of the purchase made by the good people of Milford at Wiantonock.

M^r John Griswold, M^r James Hooker, and M^r Caleb Stanley, are appointed to lay out the town plott at Cokinchauge at the proper charge of the proprietors there.

This Assembly doth impower the gardian of M^r Hezekiah Tallcott to sell a convenient number of lotts out of the said Hezekiahs land at the place called Cokinchauge, to accõmodate the inhabitants there with a convenient place for a town platt, according to the proportion due from the said Hezekiah for settling the said towne.

Ordered by this Court that the surveyor of the countie of Fairfield doe erect monuments and affix boundaries in the line between Greenwich and the town of Rye, according as inserted in the pattents of the said townes, and the same to be done at the cost and charge of the said Greenwich, notice to be given of the survey to the town of Rye.

Whereas the Genrll Court holden at Hartford Octobr the 13th, 1687, did grant to Mr Giles Hamlin three hundred acres of land to be taken up where it might not preiudice any former [419] grant to any person or || plantation, and the Generall Court holden at Hartford Octobr the 13th, 1681, granted to Mr Nathanll Collins two hundred acres of land upon the same termes for his good service, this Court appointed Mr Caleb Stanley, the countie surveyor, Mr William Pitkin, and William Cornwell senr of Midltown, to lay out the aforesaid tracts of land for the persons concerned, according to the limitations above expressed.

The return of the comittee appointed to lay out land to the heirs of John Plumb.*

We whose names are under written being appointed a comittee to lay out to the heirs of Mr John Plumb deceased eightie acres of land have done the same as followeth: beginning at a great white oak tree on a hill, which tree is the Governrs and Mr Saltonstalls north east corner marked W: S: P: running south 160 rod by markt trees to a white oak tree neer a long valley, which tree is the southwest corner, thence east by markt trees 80 rods to a black oak tree by a ledge of rocks on the side of a hill, marked on four sides, and P: R, which is the southeast corner, so 160 rod north to a small walnutt tree in a ridg of rocks by a gutter, markt on four sides, and P: R, so west by markt trees to the first bound; this tract being according to the grant eightie acres. This tract of land lyeth east of the great pond about ¾ of a mile, beginning west with the Governours and Mr Saltonstalls land, east with Samll Rogers his land, north and south with comon, highway allowed.

Newlondō, March 1, 170⅝. Surveyed by us,

John Prents,
John Hough.

The abovementioned eighty acres of land is surveyed and laid out for the heirs of John Plumb with the approbation of this Assembly, provided it doe not preiudice any former grant.

This Assembly doth grant liberty to Capt. Daniel Clerk to recieve of Owaneco one hundred acres of land, at the norwest corner of Newlondō now bounds, bounded westerly with the great pond, northerly with Norwich line, southerly with the lands of Governr Winthrop and Mr Saltonstall, and easterly with a small brook runing north and south, highways excepted.

* Original in Towns and Lands, II, 110. Passed the lower house May 25.

Provided alwayes that Owaneco have a right there, and also reserving and saving any other title.

The return of the comittee appointed to lay out 50 acres of land to Samuel Rogers.

We whose names are underwritten, upon the desire of Sam[ll] Rogers jun[r] have laid out to him fiftie acres of land, being a countrey grant, beginning at a black oak tree which is the southeast corner of land laid out to the heirs of John Plumb deceased, markt on four sides and with the letters P: R, ruñing east 50 rods to a chestnutt tree among severall small ledges of rocks, near a swamp, markt on four sides and R, which is the southeast corner, so 160 rod, to a small black oak tree on a hill, markt on four sides and R, then went 50 rods to a walnutt tree on a ledge of rocks by a gutter, which is the said Plumbs northeast corner, then south 160 rod to the first bound; west joyning to said Plumbs land, east, north and south with the comon; this tract lying east of the great pond, highwayes allowed.

John Prents,
John Plumb.

Newlondon, March the 1[st], 170⅔.

The abovesaid survey and laying of 50 acres of land to Sam[ll] Rogers is approved by this Assembly provided other rights be not preiudiced.

[420] This Court doth appoint and impower the surveyor of the countie of Hartford, and John Marsh jun[r] of the town of Hartford, to lay out to the heirs of M[r] Isaac Foster the two hundred acres of land granted to him by this Court, according to his grant.

M[r] Caleb Stanley, countie surveyor, is by this Court appointed to lay out to M[r] Nathan[ll] Stanley the land granted to him by this Court, according to his grant.

This Assembly doth appoint and impower the surveyor of the countie of Hartford, with the assistance of the surveyor of one of the townes in the said countie, to lay out to the heirs of Sam[ll] Hale sixtie acres of land, and also fiftie acres of land to the heirs of Thomas Hale, according to the ten[r] of their grants, not infringing upon any former grants; the said lands being granted to the parties above named for their service in the Pequott warre.

This Assembly doth appoint and impower Capt. Thomas Hart and M[r] Caleb Stanley, surveyor, to lay out to James Bird

one hundred acres of land granted to him in October last, according to his grant.

This Assembly appoints and impowers the surveyor of the countie of Hartford with one of the town surveyors in the said countie, to lay out to the heirs of Richard Smith of Glassenbury dec^{d}, one hundred and fiftie acres of land formerly granted to M^{r} Sam^{ll} Martin, he haveing purchased the same of M^{r} Martin. Alwayes provided it be not already taken up.

This Assembly doth appoint and impower the surveyor of the town of Fairfield to lay out to M^{r} Joseph Curtis of Stratford one hundred and fiftie acres of land granted to him by the Generall Assembly holden at Hartford Octob^{r} the 12th, 1699, according to his grant.

This Assembly doth appoint and impower the surveyor of the countie of Fairfield to lay out to Daniel Shilton of Stratford two hundred acres of land granted to him by the Generall Assembly holden at Hartford May the 9th, 1700, according to his grant.

John and Marie Wilson of Rye in the Province of Newyork petitioning to this Court that they may have a return of three hundred acres of land lying in the township of Greenwich and formerly in the possession of Thomas Lyon dec^{d}: This Court having heard and considered said petition doe order that the sons of said Lyon, viz^{t}, Sam^{ll} and Joseph Lyon, doe pay the sum̃e of fiftie pounds in currant money of this Colonie, to be paid within the space of one year, unto the said John and Marie Wilson, the said John and Marie Willson giving them quitt-claim to the land abovesaid; and in failure thereof said John and Marie Wilson may take out an execution against so much [421] of the land of said Sam^{ll} and Joseph Lyon || in Greenwich aforesaid as may satisfie the said sum̃e of said fiftie pounds; and the said Sam^{ll} and Joseph Lyon to bear the charges of this Court. Charges allowed is two pounds fifteen shillings and sixe pence pay, and one pound seven shillings in money.

Liberty and full power is by this Assembly granted to Sam^{ll} Cook and John Parmele, administrators on the estate of Thomas Cook late of the towne of Gilford dec^{d}, to make sale of the housing and homelott of Samuel Cook soñe of said Thomas

Cook, left to him by his said father and divided to him by order of the court of probates as part of his portion; the said administrators acting in the said sale with the advice and assistance of Mr James Hooker, who is joyntly impowered with them therein.

This Assembly doth fully impower Mr Richard Cristophers and Sarah Carpenter to sell so much of the lands of David Carpenter, late husband of the said Sarah, as shall be needfull to be sold for paymt of her said husbands debts.

Sarah Brinsmead of Stratford, widdow and relict of Daniel Brinsmead late of the said towne decd, making her application to this Court for powr to confirme a certain exchange of a parcell of land made by her late husband with Daniel Mitchell of said Stratford, this Court doth grant her request and fully impower the said Sarah Brinsmead to confirme the exchange of land aforesaid by giving ample deed of sale according to lawe.

This Court doth appoint and fully impower Mr Richard Cristophers and widdow Marie Pemberton to make sale of the dwelling house in Newlondon with the land adioyning thereto, which did belong to her deceased husband Joseph Pemberton, and the money it is sold for to be divided, one third part to the widdowe during her naturall life, and the remainder to be divided by the court of probates at Newlondon according as the lawe directs.

This Assembly grants full power to Sarah Bull, relict of Majr Jonathan Bull late of Hartford decd, to give deeds to Mr Samll Allin of Windzor for part of a certain house and a parcell of land lying in the township of Windzor, formerly belonging to Nathanll Lomis of Windzor aforesaid, and sold to the said Samll Allin by said Jonath. Bull in his life time and deeds not given for it.

This Court grants libertie to Elizabeth Strickland relict of Joseph Strickland of Symsbury, to sell part of a sawmill which he inguaged with other to build but deceased before it was finished, and his widdow and relict unable to carry on the worke for want of estate.

This Assembly grants full power to James Handerson, administrator on the estate of John Graves late of the towne of

Hartford dec^{d}, to sell so much of the land of the said John Graves as may be sufficient for paym^{t} of his debts, taking the direction of the court of probates therein how much shall be necessary.

This Assembly doth fully impower the administrators of the estate of Joseph Benham late of the town of Wallingford dec^{d}, [422] to || sell so much of his lands as may (with what of his moveable estate can be spared) pay his just debts, alwayes provided said administrators have the advice and approbation of Deacō John Hall and M^{r} Jn^{o} Merriman.

Whereas M^{r} John Collins obteined a libertie for Dorcas Collins to sell one acre of land by an act bearing date Octob^{r}, 1702, and the act of the Lower House was in the year 1700, this Court doth declare said act to be null and void.

Ordered by this Court that a record of a house and land granted to M^{rs} Elizabeth Wells and her child be suspended untill the Gen^{rll} Court in October next, unlesse the persons concerned shall aggree otherwise.

This Assembly doth hereby impower Abraham Finch and Isaac Finch of the town of Stanford, with the advice of Capt. Jonath. Sellick and Lieu^{t} David Waterbury to sell so much of the land of Isaac Finch late of the said town dec^{d}, as shall be needfull for paym^{t} of debts due from the estate of the said Isaac Finch dec^{d}.

The Rever^{d} M^{r} Jeremiah Hobart moving to this Court that by reason of the inhabitants of Haddum not performing what they have inguaged to him, whereby he is brought into a lowe condition, and himselfe and his familie greatly exposed to want what is necessarie, but said M^{r} Hobart not having given any notification to said towne, this Court doe therefore order that said town of Haddum doe forthwith make good their obligation to M^{r} Hobart, or appear at the next Gen^{rll} Court at Newhaven, and there give their reasons of their not so doing.

William Billing and Caleb Fobes, both of the town of Preston, requesting of this Court that John Plumb of Newlondon with two more suitable persons be appointed to new survey the said towne of Preston from Stonington bounds to the north end of Preston bounds and to make report what quantitie of land

may be wanting to make up the sume mentioned in their grant (which they declare that they thinke it reasonable that it ought to be made up) this Court grants their request with this proviso, viz^{t}, that the worke be done at the charge of the town of Preston.

M^{r} John Hough is by this Assembly appointed Lieu^{t} of the trainband in Newlondon under the comand of Capt. Dan^{ll} Wetherell, and Noah Wells to be Ensign of the same band.

Lieu^{t} Joshua Robbins of the town of Wethersfield is by this Assembly appointed Capt. of the trainband at the south end of [423] the said town, Ensign Jonath. Bormā || to be their Lieuteñant, and Jonathā Beldin to be their Ensign.

M^{r} Shuball Dimmick is by this Assembly appointed Lieuteñant of the souldiers in the town of Mansfield.

Abrahā Fowler is by this Assembly appointed Capt. of the trainband in the town of Gilford, and John Seward to be their Lieuteñant.

Ensign Timothie Stanley is by this Assembly appointed Lieuteñant of the trainband in the town of Waterbury, and Serj^{t} Thomas Jud to be their Ensign.

M^{r} John Sprage is by this Assembly appointed Ensign of the trainband in Lebanon.

And all the aforesaid officers are to be comissionated according to lawe.

Whereas complaint hath been made of some Indians coming in a riotous maner to Colchester, which this Court doth highly resent, but said Indians not being present this Court doe not see cause to proceed to any act respecting said Indians, but doe require them to make no more such disturbance but if they have any title to lands there, they may make their application to this Court (giving the English notice) and they shall have a hearing and have right done them; and this Court doth also order that their guñes be returned, they paying the charges of their carrying to Newlondon.

Sam^{ll} Rogers complaining that Ben Vncas pulled down his fathers house at Pomachaug, this Court referres the said Rogers to comon law.

Daniel Harris petitioning this Court that there may be a

nullitie of his fathers will, this Court doe not see cause to hear his petition, judging it by lawe not cognizable by this Court.

Ordered by this Court that the Clerk of the Lower House shall every sessions of the Generall Court in May and October take the following oath, viz.

You E. S. being chosen Clerk of this House of Representatives for this present sessions doe swear by the great name of God, that you shall keep the secrets of this House of Representatives, and carefully execute the *and carefully execute the* place and office of a Clerk according to the best of your skill, and shall truely and faithfully record all acts and orders of this house, and deliver true copies when they shall be necessarily required of you. So helpe you God.

Concluded by this Assembly that an addresse be sent to her Majestie to supplicate her favour for a suspension of paying money to Newyork considering the expences we are or may be out for fortifying our selves; as also a letter to the Lord Cornbury to informe his Lordship of our application to her Majestie in that behalfe.

The Reverd Mr Timothie Woodbridge and Mr Gurdon Saltonstall are desired and appointed by this Assembly to drawe up the addresse to her Majestie, and the letter to the Lord Cornbury.*

This Assembly grants to Mr John Elliott, Speaker of the Lower House, fortie shillings for his service at this sessions, and to Capt. Eleazar Stent thirtie shillings for his service as Clerk, and to the constable for his attendance upon the Lower House three shillings and sixe pence pr day.

[424] Capt. William Whiting, administrator of the estate of Samll Fitch late of the town of Milford decd, praying this Court to recall the acts of Mr John Herriman done by said Herriman as administrator of said estate: vpon the consideration of the whole matter this Court doth grant his pètition and declare his said acts to be void and of none effect, especially his distribution to Mr Mungo Nesbitt; and that the obligation from Mr Alexander Brian to Mr Mungo Nesbitt, being in consideration of a legacie due to the wife of the said Samll Fitch out of said Bryans estate, be altogether void and of none effect.

* The draft of the address to the Queen is in For. Corresp., I, 102; that of the letter to Lord Cornbury is in War, III, 60. Both are in the handwriting of Mr. Saltonstall.

The case depending in this Court between Jonathan Ashly sen^{r} and Ebenezer Spencer, both of the town of Hartford, is referred to a further hearing in May next ensuing, viz. in May 1704. The petition and complaint of Jonath. Ashlie again^{t} y^{e} said Ebenez^{r} Spencer is upon file.

Survey of land for M^{r} Caleb Watson exhibited in y^{s} Court.

At the desire of M^{r} Caleb Watson of Hartford we underwritten have surveyed a piece of land for him being a countrey grant of 200 acres, beginning at the south side the litle pond ruñing west about fortie rods to Capt. Wetherell southeast corner, then south one hundred and twentie rods to a rock which is Attwells corner, then east southerly two hundred and fortie rod to a chestnutt tree marked on four sides standing by the roade between Norwich and Lyme, then northeast to a brook that comes out of the litle pond aforesaid, and so to the said pond, and to the first bound, being two hundred acres. Bounded north with Richard Mannering, west with Capt. Wetherell, south with Attwells land, and by W^{m} Dodges east with the brook that comes out of the pond as above.

John Prents,
John Hough,
John Plumb.

This Assembly doth grant to M^{r} Caleb Watson of Hartford the two hundred acres of land above described, and doe order that he shall have a pattent for it to be signed by the Govern^{r} in the name and behalfe of this corporation for confirmation thereof to him and his heirs forever according to lawe; alwayes provided it doth not infringe upon any former grants.

Bill of cost allowed to M^{r} Mathew Griswold cont^{r} Lieu^{t} Abrahā Brownson for his attendance at the Gen^{rll} Assembly May, 1702, upon the citation of the said Abr. Brownsō amounteth to one pound sixteen shillings pay. *Execution is issued out upon this judgment.*

Cost allowed to Lieu^{t} Abraham Brownson for his attendance at this Assembly upon the citation of Joseph Seldin is one pound four shillings.

Cost allowed to John Parker for his attendance at this Court in behalfe of the select-men of the towne of Saybrook to answer M^{r} George Gates, M^{r} Daniel Brainard, M^{r} Daniel Cone, agents for the town of Haddum, is one pound twelve shilling and sixe pence.

Cost allowed to John Harris of Midltown and Sam[ll] Bidwell for attendance at this Court upon the citation of Dan[ll] Harris of s[d] town is twentie shilł.

Cost allowed to Capt. Wilł Eeely, Ens. Joseph Peck, and Mathew Griswold for attendance at this Court to answer the petition of the inhabitants of Haddū on y[e] east side of y[e] great river, is two pounds one shilling, 8[s] of it cash.

[425] John Winthrop Esq[r] of Newlondon in her Majesties Colonie of Connecticutt complaineth to the Hon[ble] Gener[ll] Assembly sitting at Hartford, the thirteenth day of May, 1703, ag[t] Maj[r] James Fitch of Plainfield in the Colonie aforesaid, Assistant.

That the said Fitch, who was an Assistant of the said Colonie on the tenth and eleventh dayes of March last past, administred divers oaths to severall witnesses produced at said Newlondon, in the case relating to the contest of the last will of M[r] John Liveen of said Newlondon, by Nicholas Hollam of the same place, appellant in the said case, wherein also the said John Winthrop is one of the respondents; the said Winthrop having deputed M[r] Gurdon Saltonstall of said Newlondon to appear in his behalfe at the taking of said evidences, in order to crosse-examine the said witnesses, and the said Saltonstall appearing at the said time and shewing lawfull power from the said Winthrop to appear in his behalfe, desired of the said Fitch that he might be present at the taking of the said evidences in order to the said crosse-examining of the said witnesses if there should be need. The said Fitch did neverthelesse, contrary to an order in Councill of his late Majestie William the third, and contrary to her present Majesties order in Councill bearing date March the 18[th], 1701, both which orders doe expressly mention and relate to the said case, as also contrary to the express lawe of this Colonie title Witnesses, pag. 116, and repugnant to the Assist[ts] oath, in the formes of oaths pag. 87, cause the said Saltonstall to be removed, and refused to suffer him to be present, that he might crosse-examine the said witnesses; whereby the said Winthrop was then and hath been hitherto debarred of the libertie to interrogate the said witnesses upon the evidences they gave in. And also the said Winthrop complaineth against the said Fitch, that at the time aforesaid he did administer an oath to Maj[r] Edward Palmes, one of the witnesses produced by the said Hollam, and examined the said Palmes on the said oath in the behalfe of the said Hallam, notwithstanding the said Palmes did then declare to the said Fitch that he would not answer to any questions that should be put to him

under oath in behalfe of the said Winthrop; and the said Fitch did therefore frame and administer a new oath to the said Palmes whereby he was no wayes obliged to answer fully and truely to any questions that should in behalfe of said Winthrop be put to him by way of crosse-examination. By which male-administration in the perticulars mentioned the said Fitch hath debarred the said Winthrop of the priviledge by lawe belonging to him, whereof he prayes relief of this Assembly, and that he the said Winthrop may have libertie of crosse-examining the said witnesses before some person or persons capable in the lawe to take such examinations, and that some order of this Assembly may be given therefore. J. Winthrop.*

This Assembly having considered the bill exhibited by John Winthrop Esq^r^ complaining of the male-administration of Maj^r^ James Fitch, Assistant, in his irregular proceedings in the examination of witnesses in the case relating to the contest of the last will of John Liveen of Newlondon, and having heard and [426] considered the || evidences thereof that have been presented, doe find that the said James Fitch is culpable for male-administration in the premises, not proceeding according to order of lawe, and the same examinations not being regularly taken by him, doe now order a further examination of the evidences in the case aforesaid.

The persons appointed by this Assembly for that service are Richard Bushnell and Nehemiah Palmer, justices.

Miriam Gillett, widdowe, being unsatisfied with the settlment of the estate of her father Thomas Dibble of Windzor dec^d^, made by the court of probates at Hartford Novemb^r^ 13, 1701, grounded upon a writing presented in said court of probates as the last will and testament of her said father, petitioned this Assembly for libertie to contest the said will in the court of Assistants in May next. This Court grants her petition.

This Court doe order William Pitkin Esq^r^, Capt. Will Whiting and M^r^ Caleb Stanley jun^r^, to sett up monuments in such place where the line by the last exact observation was found that it ought to run between the Colonie of Connecticutt and the Province of the Massachusetts, which is three miles from the station at the southermost bend of Charles River, as also

* The original of the above complaint together with evidences is in Misc., I, 130–133.

to take such persons with them as may be needfull to testifie where the said line was then found to run.

This Assembly doth make choice of M^r^ John Merideth, resident in Fairfield, to be Surveyor for the countie of Fairfield.

Whereas the Govern^r^ and Company of this Colonie in Gen^rll^ Court assembled in Hartford May 14^th^, 1685, did by their act fully impower and authorize the Govern^r^ and Secretary of this Colonie for the time being, in their name and behalfe to give patents or deeds of conveyance and confirmation, to the severall proprietors of every township within this Colonie, of all the lands and rights and appurteñances thereunto belonging with severall other priviledges and imunities to them, their heirs, successors and assignes forever; and also by their act did confirm and rattifie all sequestrations and donations of lands to pious and publick use, and that they should stand firme and vallid to their respective uses and improvements forever, as by the said act will more fully appear: The present Govern^r^ and Companie of the said Colonie in Gen^rll^ Court assembled, having well considered the severall pattents or deeds of conveyance and confirmations which pursuant to the power granted by the [427] forementioned act have been given ‖ by the Govern^r^ and Secretary of this Colonie under the publick seal thereof to the proprietors of the respective townes within this Colonie hereafter mentioned, their heirs and successors, viz. a patent to the proprietors of the township of Hartford, bearing date the 26^t^ May, 1685, and sign^d^ R. T. Govern^r^ and John Allin Sec^ry^, and a pattent to the proprietors of the town of Windzor, bearing date the twentie sixt of May, 85, and a pattent to the proprietors of the town of Wethersfield bearing date the 17^th^ Febr. 85, and a pattent to the proprietors of the town of Farmington bearing date the 26^t^ of May, 85, and a pattent to the proprietors of the town of Symsbury bearing date the 11^th^ March, 85–6, and a pattent to the proprietors of the town of Midltown bearing date the 11^th^ March, 8$\frac{6}{6}$, and a pattent to the proprietors of the town of Lyme dated 14^th^ May, 85, and a pattent to the proprietors of the town of Stanford dated 26 May, 1685, and a pattent to the proprietors of the town of Stratford dated 26 May, 85, and a patent to the proprietors of the town of Fair-

field dated 26 May, 85, and a pattent to the proprietors of the town of Milford dated 25 May, 85, and a pattent to the proprietors of the towne of Norwich dated 26t May, 85, and a pattent to the proprietors of the towne of Saybrook dated 26 May, 85, and a pattent to the proprietors of the town of Gilford dated 7 December, 85, and a pattent to the town of Newhaven dated 6t Janury, 85, a pattent to Branford dated 16 Feb., 85, a pattent to Kenelworth dated 26 May, 85, a pattent to Woodbury dated 17th May, 86, a pattent to Stratford dated 14 May, 86, a pattent to Norwalk dated 8th July, 86,* a pattent to Haddum dated 8 Febr, 86, a pattent to Waterbury dated 8 Febr, 86, a pattent to Newtown or Preston dat. 4 Febr, 86, pattent to Wallingford dated 4 March, $8\frac{9}{7}$, a pattent to Greenwich dated 20th May, 97, signed R. T. Govr, E. K. Secry, pattent to Kenelworth addition dated 17th May, 99, J. W. Govr, E. K. Secry, a pattent to Danbury dated 20th May, 702:—

The said Governr and Company now in Genrll Court assembled doe enact, and it is hereby enacted by the authoritie of the same: That all and every the severall abovementioned lands with all the rights, priviledges and imunities conteined in the abovementioned pattents shall be and remain a full and clear estate of inheritance in fee simple to the severall proprietors of the respective townes, either mentioned, or included and intended in the said pattents, to them, their heirs and assignes forever. And also that all those abovementioned lands sequestred and given to publick and pious uses, shall remain [428] forever for the same, ‖ yet reserving intire to each and every respective towne their antient and stated bounds as established by the grant or settlment of the Genrll Assembly of this Colonie, by aggreement, or any other lawfull way arising, any thing in this act conteined to the contrary notwithstanding.

* In the original bill, which passed both houses May 27, 1703, Towns and Lands, II, 111, next follows, "Wabaquassett page 161." The page refers to Col. Rec. of Deeds, Vol. II. This pattent is dated July 8th, 1686, *ante*, vol. III, 202.

ATT A GENRLL ASSEMBLY HOLDEN ATT NEWHAVEN OCTOBER THE 14th, 1703, AND CONTINUED BY ADIOURNMENT TO THE END OF THE 22d DAY OF THE SAME MONTH.

Present:

The Honble the Governr.
The Honble the Deputy Governr.

Assistants present:

Majr James Fitch,	William Pitkin Esqr,
Capt. Danll Witherell,	Joseph Curtis Esqr,
Nathanll Stanley Esqr,	Majr John Chester,
Capt. John Hamlin,	Josiah Rossiter Esqr,
Capt. Nathan Gold,	Peter Burr Esqr.

Deputies present:

For Hartford, Capt. Cyprian Nichols, Capt. Joseph Wadsworth.
For Newhaven, Mr John Alling, Lieut Tho. Talmage.
For Fairfield, Lieut John Wakeman, Mr Samll Hubball.
For Newlondon, Mr Nehemiah Smith, Mr William Douglas.
For Windzor, Mr John Elliott,* Capt. Mathew Allin.
For Midltown, Capt. Nathanll White, Mr Samll Bidwell.
For Saybrook, Mr Nathanll Lynde, Capt. John Clarke.
For Branford, Capt. Eleazar Stent,† Mr Peter Tyler.
For Gilford, Capt. Abraham Fowler, Mr James Hooker.
Gilford Deputies came Octobr 18th.
For Wethersfield, Capt. Tho. Wells.
For Farmingtō, Lieut John Judd, Ens. John Hart.
For Norwalk, Mr Samll Hayse, Mr Samll Keeler.
For Windham, Mr Joshua Riplye.
For Kilinworth, Mr John Griswold, Mr Robt Lane.
For Preston, Mr John Richards.
For Glassenbury, Mr Jonath. Smith.
For Norwich, Liet Solomō Tracie.
For Symsbury, Serjt Nathanll Holcam, Serjt Danll Addams.
For Stoningtō, Lieut Nehemh Palmer.
For Greenwich, Mr Ebenezr Meed, Mr Tho. Marshall.
For Haddū, Mr Daniel Brainard, Capt. John Chapman.
For Stanford, Mr Samll Hoyt.

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* Speaker.

† Clerk of the lower house.

[429] For Stratford, Capt. James Judson, M^r^ Benja^n^ Curtis.
For Wallingford, M^r^ Sam^ll^ Hall, M^r^ John Merrimā.
For Waterbury, Ensig. Tho. Judd.
For Derby, Capt. Eben. Johnson.
For Lyme, Capt. William Eely, Lieu^t^ Abrahā Brownson.
For Milford, M^r^ Thomas Clark, Capt. Sam^ll^ Newton.

Acts passed at this Assembly.

Whereas by reason of the death of one of [the] principall members* of the Court of Assistants appointed to be holden at Newhaven on the first Thursday of this instant month, and the inabilitie of others to travail by reason of indisposition and the extremitie of the season, the said Court could not be held and kept at the time by lawe prefixed, for which (if due provision be not made) great delay of justice, and consequently great expences to the suitors in the said Court will ensue; therefore for the reviving and continuing of all mañer of actions and pleas lately depending, and all mañer of processe that were returnable or depending in the said Court, and which were discontinued and put without day by the not holding the said Court: Be it enacted by the Govern^r^, Councill and Representatives in Gen^rll^ Court assembled, and it is hereby enacted by the authoritie of the same: That all pleas, writts, actions, suits, plaints, processe, precepts, or other things whatsoever, that were returnable, or that had day or dayes in the said Court of Assistants to have been holden and kept as aforesaid, shall stand continued and be revived, and are hereby continued and adiourned unto, and shall and may be pleaded, heard, and proceeded upon, at the Court of Assistants to be holden at Newhaven on the third Wedensday of November next ensuing, by the same Judge and Assistants as were appointed to hold the said Court in this instant month; and that all parties that had day by any pleas, writts, bills, actions, suits, plaints, processe, precepts, or other thing or things whatsoever, at or in the said Court to have been kept as aforesaid, shall respectively appear at the said Court of Assistants to be holden at Newhaven on the third Wedensday of November next, under the penaltie of forfeiting

* Major Moses Mansfield, who died October 3d, 1703.

any obligations or recognizances conditioned for the appearance of the said parties at the said Court to have been holden in this instant month, or under any other penaltie that might have incurred upon the said parties for not appearing at the said Court of Assistants to have been holden at Newhaven in this instant month, if the same had been there held and kept. Provided: That where it happens any person or persons being principalls that were under bond, obligation, or recognizance, for appearance at the said Court of Assistants to have been holden at Newhaven in this instant month as aforesaid, are since removed and gone beyond sea, or out of this Colonie, and shall not be returned before the sitting of the said Court to be holden at Newhaven at the day abovesaid, it shall be in y^e^ power of the said Court upon motion made in that behalfe, and they are accordingly to allow a continuance of any such bond, obligation or recognizance, to such further time as shall be thought necessary, that no persons concerned may be surprized, or have advantage unreasonably taken against them.

It is ordered and enacted by this Court: That if it so fall out that there be not so many of the Assistants convened as to make a quorū for the Court of Assistants, at such time as is appointed [430] to hold said Court, then it shall || be lawfull for any three of the Assistants that shall be present to open the Court, and to adiourn it again untill such time as there may be so many Assistants convened as to make a quorum.

It is ordered and enacted by this Court: That if it so fall out, that by the providence of God any of the judges of the countie courts, or court of probates, be inevitably hindred that he cannot attend the court, then there being a number of justices to make a quorum, said justices shall choose a Judge among themselves who shall preside for that court.

An Act for suppressing Unlicensed Houses, and the due regulation of such as are or shall be licensed.

It is ordered and enacted by this Court: That no person or persons whatsoever dwelling in this Colonie (other then such as upon producing certificate from the towne where they dwell, or who shall be otherwise thought fitt by the justices themselves, shall be licensed by the countie court) may presume to be a

coñon victualler, innholder, taverner, or seller of wine, beer, ale, cyder, or strong liquors by retail; nor shall any presume without license to sell wine or strong liquors privately by a lesse quantitie then a quart of strong liquors or wine, or a gallon of metheglin, cyder, or beer, and that delivered and carried away all at one time, on pain of forfeiting the sume of fortie shillings for every such offence upon due conviction thereof, one halfe thereof to the informer, and the other halfe to the poor of the towne where such offence is committed; and upon the second conviction beside the forfeiture of fortie shillings as aforesaid, shall enter into recognizance with one or more sureties for the good behaviour, especially not to transgresse the lawe in that respect.

And whereas divers illdisposed and indigent persons the penalties in the lawe not regarding, are so hardie as to presume to sell and retail strong beer, ale, cyder, perry, metheglin, wine, rum̃, or other strong liquors, or mixt drinkes, and to keep tipling houses therein harbouring and enterteining apprentices, Indians, negroes, or other servants, and other idle and dissolute persons, tending to the ruine and impoverishment of families, and all vice, impieties and debaucheries, and if detected and convicted of any such offence, are unable to satisfie the penaltie imposed by lawe for the same, and cannot be punished by imprisonment without wrong to themselves and to their families, or to the masters or owners of such servants: for the suppressing of such evill,

It is enacted by the authoritie aforesaid: That when and so often as any person being duely convicted of keeping a tipling house, or selling strong beer, ale, cyder, perry, metheglin, wine, rum̃ or mixt drinke, or any strong drinke whatsoever by retail without license first orderly had and obteined for the same, and [431] shall be || unable to satisfie the fine imposed by lawe for such transgression, together with the charges of prosecution, or that shall not pay such fine and charges, and likewise give bond for the good behaviour, (if it be a second conviction) within the space of twentie four hours next after sentence declared in that respect, it shall and may be lawfull to and for two justices of the peace, or an assistant and a justice of peace, or the court

before whome the conviction shall be, to order such offender to be openly whipt with so many stripes as in their discretion shall be thought fitt, not lesse then ten nor exceeding fifteen for one offence, and to restrain the offender in prison, untill the fine and charges as aforesaid are paid, or the order of corporall punishment be executed.

And it is further ordered by the authoritie aforesaid: That no person who is or shall be licensed to be an innholder, victualler, taverner, or retailer of strong drinke, shall suffer any either mens sonnes, apprentices, servants, or negroes, to sitt drinking in his or her house, or to have any manner of drinke there, without speciall order or allowance of their respective parents or masters, on pain of forfeiting the sume of ten shillings for every such offence; neither shall any lycensed person suffer any inhabitant of such towne where he dwells, or coming thither from any other towne, to sitt drinking or tipling in his or her house, or any of the dependencies thereof, or to continue there above the space of one hour at one time, other then travailers, persons upon businesse, or extraordinarie occasions, on the penaltie of ten shillings for every offence. Any of the aforesaid sumes to be one moietie to him or them that shall informe and sue for the same, and the other halfe to the poor of the towne where such offence shall be comitted.

And further it is enacted by the authoritie aforesaid: That all licenses already taken out shall be null and void by the first day of March next ensuing; and all persons which are chosen by any town or plantation in this Colonie, or appointed by the justices to be comon victuallers, taverners, or sellers of strong drinke, such person or persons shall take out licence from the countie court of that countie whereto he belongs, which licence shall be granted to him gratis, and every such person taking licence shall give in bond to the said court for a due observance of the same and of the lawes.*

* As printed among acts of this session in the edition of 1715, page 124, there are two additional clauses to this law; one directing grandjurymen to present persons reputed retailers of strong drink without licence, twice in the year; the other making the oath of one person sufficient to convict for selling drink unless the person charged should in open court positively and plainly declare that he was not guilty of the fact.

Listers Oath.

You A. B. being chosen Lister for the town of H. for the year ensuing doe swear, that you dilligently and faithfully discharge and execute the office of lister within the limitts whereto you are appointed, and that in and by all the perticulars mentioned in the lawes whereto your office hath relation, and that you will do therin impartially according to law, without fear or favour according to the best of your abilitie. So help you God.

Whereas many persons being ignorant of the lawe have been surprized and have not given in their estates to the listers in the time mentioned in the lawe, and have since made entrie thereof in a perticular additionall list: It is ordered by this Assembly, that the said additionall list shall be accepted and added to the grand list, declaring also that this act shall not be presidentiall for the future.

[432] In addition to the lawe, title Rates, it is ordered and enacted by this Court: That when and so often as it shall happen that any inhabitant or inhabitants in this Colonie shall refuse or neglect to give in to the listers an account of his or their rateable estate in whole or in part, being duely warned by the listers themselves, or one of them, or notice left at his or their houses or place or places of usuall abode, sometime in August annually, that then it may and shall be lawfull, and the duty of the sworn listers, according to their discretion and best estimation, to assesse such person or persons who shall pay rates for their estates according to the vallue so assessed, and after the rate of ten pounds in the hundred, or proportionably for greater or lesser sumes, to be added thereunto, as a penaltie for his or their neglect. And if such person shall be overrated by the said assessors he shall be without remedie, unlesse he make it appear to the countie court that either he had no notice as aforesaid, or that by some inevitable providence he was uncapable to give in his account or list; any lawe to the contrary notwithstanding.

And it is further enacted by the authoritie aforesaid: That the present listers are hereby required to assesse such persons as have neglected or refused to give in their list for the year past, according to the rule abovementioned, to be added to the

present list. And the lawe concerning Inspectors is hereby repealed, and the listers shall deliver their lists to the Deputies before the Court in October annually.

It is ordered and enacted: That no schollar being a student in the Collegiate School, shall be entred in the publick list of male persons, nor be rated for his head; and if any such schollar be entred, his or their names shall be taken out again; and that the persons of all such schollars shall be exempted from watching and warding and all other such publick service, during the whole time that they shall continue in the said school.

This Assembly doth repeal the lawe title Forcible Entrie, in the printed lawe fol. 39, and it is hereby repealed.*

It is ordered and enacted by this Court: That every Captain bearing comission in her Majesties service shall be allowed five shillings p^{r} day, every Lieuteñant four shillings p^{r} day, every Ensign three shillings p^{r} day, every Serj^{t} two shillings p^{r} day, every private Centinell one shilling sixe pence p^{r} day, every horse three shillings p^{r} week, all to be paid in the currant pay of the countrey.

It is ordered and enacted by this Court that the pay that is brought to the constables for the countrey rates, shall not be turned to any private use by way of exchange, but that the same specie that is brought to them for the rates shall by them be delivered out again for the service of the countrey and for paym^{t} of the countrey debts; and that the treasurer shall make [433] no alteration or change of the specie of pay || that he shall receive of the constables upon the countrey rate, unlesse the occasions of the countrey shall require him so to doe, or that he shall have express order for it; and when any such exchange is made by him, the gain upon such exchange (if any be) shall be to the use of the Colonie.

This Assembly grants a rate of two pence halfe pennie upon the pound of all the rateable estate in this Colonie, to be paid

* The Upper House in May, 1711, thought it might be inconvenient to print a repeal of the printed law title Forcible Entries, because it would be too plain a declaration against the common law of England, which seems to be the inseparable privilege of Englishmen, and not so well consistent with our charter. Civil Officers &c. Vol. I, doc. 93. When the Laws were reprinted in 1715, the title Forcible Entries was quietly dropped, and it was the only portion of the revision of 1702, I believe, which was omitted in the reprint, notwithstanding parts of several other acts had been repealed or altered.

in winter wheat at five shillings p^{r} bush^{ll}, Indian corn at two shillings sixe pence p^{r} bush^{ll}, rye at three shillings p^{r} bush^{ll}, pork at three pounds ten shillings p^{r} barrell, beeff at five and fortie shillings p^{r} barrell; the grain to be all good and merchantable, the pork and beeff to be in good and tight caske full gage, well repackt by a sworn packer and marked with his marke. But if any person will pay his proportion in money, it shall be accepted at two thirds. And it is hereby intended that the money provided by lawe for the schools in the severall townes in this Colonie is here included.

Persons nominated to stand for Election in May next are:

Maj^{r} Gen^{rll} Fitz John Winthrop Esq^{r}, Colon^{ll} Rob^{t} Treat Esq^{r}, Maj^{r} James Fitch, Cap^{t} Sam^{ll} Mason, Capt. Dan^{ll} Wethcrell, Nathan^{ll} Stanley Esq^{r}, Capt. Caleb Stanley, Capt. John Hamlin, Capt. Nathan Gold, Wilt Pitkin Esq^{r}, Joseph Curtis Esq^{r}, Maj^{r} John Chester, Josiah Rossiter Esq^{r}, Richard Cristophers Esq^{r}, Peter Burr Esq^{r}, John Hains Esq^{r}, M^{r} Jeremiah Osborn, M^{r} John Elliott, M^{r} John Alling, M^{r} Tho. Hooker.

List of estates and male persons in the severall townes.

	lls.	Persons.		*lls.*	Persons.
Hartford,	19750	0302	Haddū, east side,	02611	059
Newhaven,	19360	355	Kenelworth,	03299	056
Newlondon,	16930	289	Windzor,	15381	250
Fairfield,	15146	150	Lyme,	06577	115
Wethersfield,	13431	262	Glassenbury,	03262	076
Milford,	12308	160	Wallingford,	06522	118
Stratford,	12236	120	Norwalk,	07187	113
Saybrook,	07845	126	Symsbury,	03436	092
Stanford,	07839	100	Greenwich,	04369	082
Branford,	05858	080	Woodbury,	03646	086
Waterbury,	02145	057	Windham,	02364	063
Derby,	02377	060	Norwich,	08738	120
Danbury,	02613	058	Preston,	04097	078
Gilford,	10179	140	Stonington,	07050	138
Midltown,	08112	180	Farmington,	080261 18^{s}	120
Haddū, west side,	01986	045			

This Assembly grants a sallerie of one hundred and twentie pounds in pay to the Govern^{rs} Hon^{r}, he bearing his own charge.

This Assembly grant the Honrd Deputy Govern^{r} fiftie pounds in pay for his sallerie, he bearing his own charge.

[434] This Court doe allow to the Treasurer thirtie pounds in pay for his sallerie this present year, and thirtie pounds

This Court doe allowe to the Colonie Sherriff a sallerie of sixe pounds, he bearing his own charges.

This Court doe allow to Newhaven countie Sherriff four shillings p^{r} day for his attendance upon this Court, he bearing his own charges.

This Court doe allow to Newhaven constable three shillings sixe pence p^{r} day for his attendance upon this Court this session, he bearing his own charges.

This Court doe allow to M^{r} John Elliott for his conduct as Speaker this sessions thirtie shillings.

This Court doe allowe to Capt. Eleaz^{r} Stent for his Clerkship this present sessions twentie five shillings.

This Court doe allow to Capt. John Miles three pounds in pay for his charges in his house this sessions.

This Court desire the Honrd Deputy Govern^{r} to take the conduct of the militia in Newhaven countie till May next.

Josiah Rossiter Esq^{r} is appointed Judge of the Countie Court and Court of Probates in the Countie of Newhaven.

This Court doe appoint the Worshipfull Maj^{r} James Fitch and Capt. Richard Bushnell to lead the souldiers in the town of Preston to a choice of commission officers.

Ordered by this Assembly, that the Councill in the intervale of the Gen^{rll} Courts untill May next shall consist of seven, or not lesse then five, viz^{t}, the Govern^{r} or Dep' Govern^{r} and two Assistants at the least, with M^{r} Nehemiah Smith, M^{r} Nehemiah Palmer, and Capt. Richard Bushnell; who shall have power in the intervale of the Generall Assemblyes to mannage the affairs of this Colonie according to charter, they not to raise men to send out of the Colonie, (unlesse in case of exigence) nor dispose of money. Alwayes provided, that in extraordinarie cases the Govern^{r} or Deputy Govern^{r} shall call the Councill of Assistants, or as many as can be convened. M^{r} William Douglas is added to the Councill.

Ordered by this Assembly, that there shall be a Councill of Warre, consisting of five persons, whereof three at least to be comission officers, out of Hartford, Windzor and Wethersfield.

Any three to have power to send out what souldiers shall be needfull (not exceeding sixtie men unlesse in case of actuall invasion by a body of the enemy) to defend our frontiers on that side and the countie of Hampshire from the enemy. And the Govern^{r} to nominate the s^{d} Councill of Warre, and to comissionate the commanders of said souldiers to act offensively as well as defensively as they shall find at all times occasion, unlesse by said Councill of Warre perticularly directed. And that the constables by warrant or order from the s^{d} Councill of Warre shall impresse so many souldiers as they shall be directed, and what shall be necessary to furnish them for their expedition. And such souldier or souldiers so impressed that shall refuse to attend her Majesties service shall be imprisoned unlesse he satisfie the officer in comission of said company to be sent forth that the constable hath done him iniustice to impresse him, or unlesse he pay down ten pounds in money, or procure another in his room to the acceptance of the s^{d} officers.

[435] Whereas this Court is informed by divers members of the Lower House that one Benjamin Dibble of Symsbury was about twentie dayes past arrested while he was about his lawfull labour within the town of Symsbury in this Colonie, by one Jonathan Rimington who pretended to be constable of Suffield, with many others of said town of Suffield, who did seize and carry away to said Suffield said Dibble and severall barrells of his turpentine and twentie barrells of turpentine belonging to divers other persons of said Symsbury, and said constable pretended to act by virtue of a writt signed by Samuel Patrick Esq^{r}, which writt, as by a coppie thereof attested doth appear, did require said constable to arrest said Dible and seize his turpentine for a triall, but not any others; and whereas neither time was appointed for triall by said writt nor court that could take cognizance thereof, all which matter and proceeding this Court judgeth to be very illegall and arbitrary, especially since it is found by observation and triall that the greater part of said Suffield is and ought to be part of this Colonie: for redress whereof this Court doth order and appoint the constables of Windzor and Symsbury or either of them by writt from any Assistant or justice of peace to seize and arrest the said Jona-

than Remington and Joseph Sheldin (if found within their precincts) who did principally (as this Court is informed) contrive said arbitrary proceedings, assist and abett said Remington in the execution thereof, and bring them or either of them before any of the Assistants or justices of the peace of this Colonie to find sureties for their appearance to answer for their illegall and arbitrary proceedings before any of her Majesties courts as shall be assigned them, and in default of such sureties to send them to the gaol till they find such sureties as aforesaid.

Owaneco his brother Ben, and his sonne Mahomet, with y^e^ Moheeg Indians, having behaved themselves contemptuously in not appearing at this Gen^r^ll Assembly though legally and orderly warned by an order from the Govern^r^ and Councill, this Court doth therefore recomend that matter to the Govern^r^ and Councill, and desire that the Indians may be brought before them, and be made to give their reasons for their not appearing according to the warning given them, and not giving in their names as all the rest of our friend Indians have done, and this Court expects the same from them.

Whereas his Excellencie Colon^ll^ Dudley, Capt. Gen^r^ll and Comand^r^ in Chief of the Province of the Massachusetts Bay, hath signified to the Govern^rs^ Hon^r^ that the Gen^r^ll Assembly of the said Province doth earnestly desire one hundred men well appointed, from this Colonie to march to the eastward, to assist them in the warre against the eastern Indians,—

Voted that the Hon^bl^ the Govern^r^ be desired to informe his Excellencie, that the season of the year is such, that they cañot judge it practicable to send their men into such a remote part of the countrey at present, but as in this time of warre wherein they are inforced to be at great expences for the securitie of their frontiers, they have notwithstanding been at considerable charge for the assistance and defence of their plantations in the countie of Hampshire, so they shall be ready at all times to afford them further assistance as they are capable.

Whereas motion hath been made for consideration whether a more expeditious and effectuall way for mañagem^t^ of the publick affairs in the Gen^r^ll Assembly should not be stated, and it

being a matter worthy of good and more mature consideration then present circumstances will allow of, it is therefore ordered that it be referred to the sessions of this Court in May next, and y^t^ then it shall be considered and concluded, before any other pub: business is entred upon.

[436] It is ordered and enacted by this Court, that the countie surveyors of land in this Colonie shall be freed from training for the time to come while they continue in that office.

Ensign John Hart is by this Court appointed Lieuteñant of the company in Farmington, and Serj^t^ Sam^ll^ Wadsworth to be their Ensign; and Serj^t^ Richard Lord is by this Assembly appointed Ensign of the trainband in the town of Lyme; also Ensign John Savage is appointed Lieuteñant, and Serj^t^ James Ward to be Ensigne of the first company or trainband in Midltowne; and Lieu^t^ John Fitch is by this Assembly appointed Captain of the trainband in the towne of Windham, and Ensign Jonathan Crane to be their Lieuteñant, and Deacon Joseph Carie to be their Ensign; and David Sherman is appointed Ensign for the trainband in Stratfield.

This Court doth allow of the divident line agreed upon by the inhabitants of Plainfield to be the dividing line of their township, and that the inhabitants on the west side of the river shall have the priviledges of a township, and that the name of the town shall be Canterbury, and their brand for horses shall be this figure, –C.

Upon the desire of the inhabitants of Colchester, this Assembly grants them libertie to imbody themselves into church estate and to call and settle an orthodox minister of y^e^ gospel among them, proceeding therein with the advice and approbation of neighbour churches.

Upon the desire of the inhabitants of the town of Newlondon that dwell on the east side of the river, this Assembly doth grant them libertie to imbody themselves into church estate and to call M^r^ Ephraim Woodbridge, their present minister, to be their settled church officer, proceeding therein with the advice and approbation of neighbour churches.

The town of Greenwich having made their application to this Court respecting some differences concerning the rights

and priviledges of the old towne, this Court doe recomend it to the inhabitants of said Greenwich, that they would indevour an amicable agreement amongst themselves, but fearing that may not be atteined, this Court doe appoint the Worshipfull Capt. Nathan Gold, Mr Peter Burr, and Mr John Wakeman, a comittee to repair to the sd town of Greenwich, and there to indevour a reconcilement of such differences as are amongst them, and that the priviledges of the old towne shall remain as formerly untill further order.

This Court doe grant to the towne of Milford, purchasers of a tract of land of the Indians, (which land lieth at Wiantenuck) for a township, libertie according to their purchase to take out a pattent signed by the Governr and Secretary under the seal of the Colonie; alwayes provided it be not an infringement to any former legall purchases or proprieties, as also that they doe make a settlment upon said land within five years under the [437] || conduct of a comittee for the stating of the town plott and laying out the lotts. The name of the said town to be New Milford.

This Court doe appoint the Hon^rd Colon^ll Robert Treat, Mr Thomas Clark, Ensign George Clark, Ensign Joseph Treat, Ensign Joseph Peck, Serjt Jonathan Baldwin, and Serjeant Timothie Baldwin, they or any five of them, a comittee for the regulation of the township purchased by the inhabitants of Milford lying at Wiantanuck, they bearing the charges.

Whereas this Court in May, 1702, granted libertie to Mrs Elizabeth Wells, widdow, to record a house and twelve acres of land which was exchanged with the legatees of Jonath. Wells, unto her and her child, and in May, 1703, Mrs Sarah Bidwell appearing in Court obteined a barre of said record untill this present sessions, and this Assembly having heard the allegations and pleas of said Mrs Wells and Mrs Bidwell, doe see cause to grant a libertie to said Mrs Elizabeth Wells to record said house and land to herselfe and the child of Joseph Wells her late husband; alwayes provided that whatever right Mrs Sarah Bidwell or any other of the legatees hath in said house and land as legacies shall be paid by Mrs Elizabeth Wells to such legatees.

Upon the motion of Mr John Hamlin of Midltown, Assistant, together with the selectmen of the same town, this Court grants them libertie and authoritie to make sale of so much of the land of Elizabeth Warner of the said town as may be needfull for the defraying of the necessary charges that have been or shall be expended for the keeping and maintenance of the said Elizabeth, she being a distracted person and now in close custodie to prevent her doing mischief, acting therein with the consent of the authoritie of the towne.

This Assembly grants full power to Capt. William Whiting, administratr on the estate of Nathanll Wilson late of the town of Hartford decd,* to sell so much of the lands belonging to the said estate as may be needfull for the payment of the said Wilsons debts, acting therein according to the direction of the court of probates for the countie of Hartford.

This Assembly grants full power to Jane Clark of Stratford, administratrix on the estate of her late husband Thomas Griffin decd, to sell so much of the land of her said deceased husband, as shall be needfull for the payment of a debt of eight pounds due from her said husbands estate to the estate of Mr Alexander Brian of Milford decd, and upon sale of said land to give firme deeds of conveyance according to lawe.

This Assembly grants full power to Abraham Hall of the town of Gilford, administrator of the estate of Thomas Cook of the said towne deceased, to give to Thomas Robbison of the town aforesaid firme deeds of conveyance of three acres of meadow land which the said Thomas Robison bought of the said Cook in his life time and paid all the purchase money except sixteen shillings, but the sudden death of the said Cook prevented his giving deeds thereof.

Upon the request of Rachel Mead, widdow and relict of Nathanll Mead late of the town of Greenwich decd, this Assembly grant full power to Capt. Jonath. Sellick and Deacon Samll

* Administration was granted April 7th, 1703, by the court of probate upon the estate of Nathaniel Wilson supposed to be dead. In 1707, however, a person claiming to be Nathaniel Wilson, but in a shattered condition, appeared in Hartford, and there being strong evidence for and against his identity, the General Assembly in May, 1720, judged that the certain truth was not likely to be gained by human testimony. Misc., II, 324–332.

Hoyt to give legall conveyances of severall parcells of land which the said Nathaniel Mead sold and alienated in his life time but did not give deeds thereof, viz. a small parcell of woodland [438] || of about eight acres and a halfe lying in the bounds of Greenwich, and five roods of meadow lying in the bounds of Stanford; also his right in Coscob Neck; also for ten acres of land exchanged by the said Nathan[ll] Mead for ten acres of land which is inventoried to the estate of the said Mead.

Upon the request of Thankfull Trowbridg, widdow and relict of William Trowbridg late of Newhaven dec[d], this Assembly gives full power to Deacon Abraham Bradley of the said towne to sell a house and about one rood of land thereto adioyning, for the payment of the just debts of the said William Trowbridg, his moveable estate not being sufficient.

Upon the request of Sarah Pratt, widdowe, and her sonne William Pratt both of the town of Saybrook, administrators of the estate of the deceased husband of the said Sarah, this Assembly grants libertie to the said administrators (with the advice of Ensign John Pratt and Robert Chapman) to sell so much of the land of the said deceased which will produce the sume of twentie sixe pounds in money, for the paym[t] of a debt of the deceased aforementioned.

Whereas Andrew Morrison late of Newhaven dyed nonsolvant, and there being a small quantitie of land belonging to said estate, and the administrators of said estate moving this Court for power to make sale of said land to pay debts so farre as it may, this Court impowers the administrators of said estate to make sale of said land and lawfull conveyances thereof.

Upon the motion of John Merriman in the behalfe of Marie Merriman of the town of Wallingford, widdow and relict of Caleb Merriman late of the said town dec[d], and administratrix of his estate, this Court gives full power to the said Marie Merriman to give firme deeds of conveyance for the severall parcells of land hereunderwritten to the severall persons hereafter named, viz[t], for sixe acres of upland to Thomas Beech; for three acres of meadow in Newhaven to Joseph Grannis of Newhaven; for halfe an acre of land in the brook pasture to the heirs of Sam[ll] Merriman of said Wallingford; for one acre and

a halfe in the same pasture to John Hall of said Wallingford; for a quarter part of the pine swamp to Eleazar Peck of the same towne; for three acres of land in Jacobs lowe ground in Wallingford to Sam[ll] Andrews of the same towne; this Court being informed that the said Caleb Merriman had in his life time sold the said parcells of land but had not given deeds thereof.

This Assembly doth grant to Lieu[t] Henrie Crane, William Stephens, Sam[ll] Buell and John Kelsie, and their associates, the present proprietors and inhabitants of Kilinworth, their heirs, successors and assignes forever, according to their and each of their respective and just rights therein, all that tract of land lying between the tracts of land belonging to the inhabitants of the townes of Gilford and Saybrook, butted and bounded as followeth, viz. on the south or southward by the sea; on the east or eastward running north from the sea to a white oak staddle on the banke with the top cutt off, and a heap of stones about it; thence ruñing a north line to a white oak tree standing in the line near Ma-na-qua-tesett River at the old riding place, marked with K. B. on the west, and with S. B. on the east; thence running a north line to Haddum bounds where is a heap of flat stones cast up, and near Haddum bounds is marked two chestnutt trees growing on one root close [439] by a great rock which is upright || like a wall on the south side; on the north running from said heap of stones in Haddum line due west to an oak tree marked with H. B. on the north side and K. B. on the south side, with a heap of stones laid about it; from thence a due west line to the westermost branch of Hamanassett River; on the west by the midle of the said Hamanassett River, as the river runnes till it fall into the sea; together with all and singular the rights, profitts, priviledges, members and appurtenances to the said tract of land or any part thereof belonging or in any wise apperteining, and doe order that the parties abovenamed shall have a pattent for confirmation of the premises to them, their heirs, successors and assignes as abovementioned. The pattent to be signed by the Hon[bl] the Govern[r], and by the Secretary, in the name and behalfe of the Govern[r] and Company of this Colony.

Whereas the Govern^{r} and Company of this her Majesties Colonie of Connecticutt in Gen^{rll} Court assembled at Hartford Aug. the 28th, 1661, did give and grant unto Jonathan Gilbert of the said towne of Hartford innholder dec^{d}, three hundred and fiftie acres of countrey land for a farme; and whereas the said Generall Assembly holden at Hartford March the 13th, 166$\frac{1}{2}$, and Octob^{r} the 12th, 1665, did give and grant to Capt. Daniel Clerke of the town of Windzor three hundred acres of land for the same use, to be taken up partly upon the branches of Mattabessett River, and partly upon the road from Wethersfield to Newhaven, at or near a place called the Cold Spring on the west side of a ridge of mountainous land comonly called or known by the name of the Lamentation Hills, all which appears of record; and the said Jonathan Gilbert did purchase of the said Daniel Clerke his said grant, by which grants and purchase the said Jonath. Gilbert obteined to himselfe and his heirs a good and lawfull right and title to sixe hundred and fiftie acres of the said countrey land, four hundred and seventie acres whereof was laid out to the said Jonathan Gilbert by persons appointed by the said Gen^{rll} Assembly at and near the said place called the Cold Spring on the west side of the said Lamentation Hills; the said four hundred and seventie acres of land comprehending within it three pieces of meadowe, one called the south meadow, another the north meadow, and the third beaver meadow; and the said Jonathan Gilbert having purchased the native right of the said land, and of the land thereunto adioyning amounting in the whole to the sume of one thousand acres and upwards of meadow and upland: And whereas Capt. Andrew Belcher of the town of Boston in the Province of the Massachusetts Bay in Newengland, merchant, hath by purchase gained to himselfe and his heirs forever all the estate, right and title that the heirs or assignes of the said Jonathan Gilbert had or might have in or to the said four hundred and seventie acres of land meadow and upland, and whatever right might accrue to them by the said purchase of the native right, and hath petitioned this Assembly for a pattent to be granted out to him for a full confirmation of the same to him, his heirs and assignes forever: This Assembly considering

that the said Andrew Belcher hath expended a considerable estate upon the said land in building tennantable houses and settling tennants therein, and other improvements which are like to be a publick as well as private benefitt, the said tenements being conveniently situate for the relief of travailers in their journying from place to place, for his incouragement to goe forward with his improvements, doe see cause to grant his petition, and doe now give and grant unto the said Andrew [440] Belcher || all the said four hundred and seventie acres of meadow and upland (as it is laid out and bounded, or described to be bounded in a plott or survey thereof exhibited in this Assembly under the hand of M^r^ Caleb Stanley surveyor) to be to him the said Andrew Belcher, his heirs and assignes for ever; and doe order that the said Andrew Belcher shall have a pattent for the said four hundred and seventie acres of land so butted and bounded as in the said plott is described, the pattent to be signed by the Governour and Secretarie in the name and behalfe of the Govern^r^ and Companie of this her Majesties Colonie, which pattent shall be of full force and virtue to all intents and purposes in the lawe, for the ensureing and sure making of all the said purchased and granted lands so butted and bounded as aforesaid, and every part and parcell thereof, with all the profitts, priviledges and appurtenances thereunto belonging and from time to time thence arising, unto him the said Andrew Belcher, his heirs and assignes forever, according to the true intent and meaning thereof. Provided always nevertheless that there shall be a countrey road or highway through the said farme or part thereof as there shall be occasion.*

Capt. John Hamlin moving to this Court for a grant of a tract of land to Capt. Andrew Belcher, which land lieth between said M^r^ Belchers farme at Merriden, and the mountain called Lamentation, this Court doe order Capt. Thomas Hart and M^r^ Caleb Stanley jun^r^ to survey said tract of land and make return thereof to this Court in May next, both as to the quantitie and qualitie of said land.

* In the margin. The survey of Capt. Belchers farm is recorded in Book No. D, folio 318, 319, 320.

Mr Jeremiah Osborn petitioning this Assembly to reverse a judgment past against him by the Court of Assistants in May last in a case there depending between him and Luke Hitchcock of Springfield, asserting (among other things) that two of the jury who had the triall of the case were nearly related to one that was principally concerned therein. This Assembly considering that it doth not appear that the said Luke Hitchcock hath been cited according to lawe to appear at this Court, doe see cause to referre the matter to a further consideration at their sessions in May next, Mr Osborn giving a sufficient notification thereof to Luke Hitchcock, and also sufficient bond to the vallue of fortie pounds cash to answer all damages that may accrue to the said Luke Hitchcock, in case the judgment of the said Court of Assistants be not reversed nor denied; in the mean time execution upon the said judgment to be suspended.

Mr Jeremiah Osborn acknowledgeth himselfe bound in a recognizance of fortie pounds cash to the publick treasurie of this Colonie to answer all damages that may accrue to the said Luke Hitchcock by the suspending of execution upon the abovesaid judgmt in case the same be not reversed nor denied.

This Court doth remitt to the widdow Abigail Huntington what is due from her estate to the Colonie by the seizure of the inspector of Norwich, provided what estate is left out of the list be now added.

Mr John Parker junr as inspector, presenting severall persons of the town of Saybrook for leaving part of their estates out of the list of estates this year, and notwithstanding he hath attended due steps of lawe in his proceeding in the premises, by reason of the present circumstances of things, declaring himselfe willing for his trouble and charge to take up satisfied with fortie shillings cash, this Court doe therefore recomend to those persons delinquent hereafter named forthwith to make paymt of fortie shillings cash to the said John Parker, according to [441] proportion therein stated, viz: || William Stannard sixteen shillings and a pennie, Capt. Thomas Averie seven shillings and eleven pence, Stephen Chalker fourteen shillings and three pence, Joseph Post one shilling and nine pence; in de-

fault whereof this Assembly doth declare that the said Parker shall have free libertie of processe in lawe against such estate of the abovementioned persons, as is entred in the s^{d} additionall list, or of any of them that shall refuse to pay his proportion as above exprest, any thing in the act of this Assembly concerning additionall lists, or probate of s^{d} list by the Gen^{rll} Assembly to the contrary notwithstanding.

M^{r} Joseph Pardee complaining to this Court that the countie of Newhaven is considerably in debt to him as he is administrator to his fathers estate, it is now ordered that what is due to him said Pardee shall be paid out of the countie treasurie when it is there to be had.

M^{r} William Pain of the town of Windham personally appearing in this Assembly charged Will^{m} Pitkin Esq^{r}, one of the Assistants, with male-administration in proceeding against him for forcible deteiner. After due hearing and consideration of the pleas and allegations of both parties the following bill was past, viz. Voted in this Assembly whether they did judge M^{r} Will^{m} Pitkin and M^{r} Riply were guiltie of male-administration, and it was voted in the negative by the Assembly.

Capt. Joseph Wadsworth appearing in this Assembly in the behalfe of M^{r} Phillip Pain who complained against William Pitkin Esq^{r}, Assistant, for male-administration in his proceeding against said Pain for forcible deteiner, in y^{e} debate upon which case the said Joseph Wadsworth used r$\bar{e}$proachfull words against M^{r} Pitkin and the sentence by him past upon said Pain, saying in open Assembly that his proceedings in the case were altogether uniust and illegall, and also did cast forth reproachfull expressions against divers members of the Assembly, for which his misbehaviour this Assembly by force of the lawe title Magistrates, doe sentence the said Wadsworth to pay a fine of ten pounds to the publick treasurie of the Colonie.

This Assembly having heard the complaint of Joseph Seldin wherein he complains of Capt. Eely, justice, and chargeth said justice with male-administration, as in his complaint under his hand doth appear; but whereas Capt. Eely doth alledge that he hath been surprized in not having citation nor oportunitie to produce such evidences as he might if he had longer time,

doe therefore order that the issue and determination of said case be suspended untill the Genrll Court in May next, and a citation issued out by the Secretary in the name of the Genrll Assembly to cite Capt. Eely there to attend and answer said complaint of Seldin; and that Capt. Eely doe also give bond to the Secretary to the vallue of one hundred pounds for his appearance at said Court; also that said Joseph Seldin doe give bond to the Secretary to the vallue of one hundred pounds for his prosecution of said Capt. Eely.

Ordered that execution upon Joseph Seldin for the fine imposed upon him by Newlondon court (which is twentie two pounds) is suspended untill the hearing the case in May next.

This Court doe free Mr Peter Carrington from paying countrey rates for his person for the future.

An Act of the Governr and Councill at Newhaven Octobr 21st, 1703.

Whereas the Reverd trustees of the Collegiate School erected within this Colonie have pursuant to the lawe, title Briefs, pag. 11th, made application to the Governr and Councill to obtein approbation for the raising such a sume or sumes within this [442] Colonie by a brief or such like || method as shall be needfull for procuring and upholding a tutor, and for further promoting of the said school by building or otherwise: the Councill having taken the said motion into consideration doe see good to approve of the same, and doe hereby allow and impower the said revrd trustees to make use of any such methods in the nature of briefs throughout this Colonie for the end or ends aforesaid: and furthermore the Governr and Councill considering the very hopefull progresse the revrd trustees have already made in the said affair, and the comfortable appearance that the said school under the prudent conduct of the sd trustees will (through the divine blessing) conduce to the advancing of the interest of religion and generall good of this Colonie, doe therefore hereby recomend the aforesaid approved measures to all persons within the said Colonie, not doubting but there will be in all a generall readinesse in their respective stations, and according to their respective circumstances to forward so good a worke.

This Court appoints the last Wedensday in this month to be kept a publick fast throughout this Colonie.

This Court appoints a publick day of thanksgiving to [be] solemnized throughout this Colonie on the twentie fourth day of November next ensuing.

ATT A GENRLL ASSEMBLY HOLDEN AT HARTFORD ON THE FIFTEENTH DAY OF MARCH ONE THOUSAND SEVEN HUNDRED AND THREE–FOUR, CALLED BY SPECIALL ORDER OF THE GOVERNR TO CONSIDER OF SUCH THINGS AND TO AGGREE UPON SUCH MEASURES AS ARE NECESSARIE FOR THE SAFETIE OF THIS COLONIE AND ASSISTANCE OF OUR NEIGHBOURS IN THE PRESENT TIME OF DANGER.

It is ordered and enacted by this Court: That the civill and military comission officers of each towne shall take all due care concerning the friend Indians belonging to their townes and assign them their limitts, to the intent that none of them be exposed or the enemies escape under pretence of being friends; and that said officers doe strictly charge said friend Indians not to move out of their respective limitts or bounds assigned them, without order in writing under the hands of such officers, as they tender their own safetie and at their perill; and all friend Indians are hereby forbidden to hold any comunication with, harbour or conceal, any of the enemy Indians, requiring them to seize and secure all such as may come among them and to deliver them up to justice; and for their incouragement they shall have ten pounds for every enemy Indian they shall so seize and deliver up. And what extraordinarie charge there shall be about Wiantonuck and Potatuck Indians shall be born by the Colonie, and that Capt. Ebenezer Johnson have the care and ordering of the Paugussuck Indians.

[443] It is ordered and enacted by this Court: That the inhabitants of every town in this Colonie shall be called together with as convenient speed as may be to consider what houses shall be fortified, and if the towne doe not aggree to fortifie any house or houses, then it shall be in the power of the civill and militarie officers in comission, with the select-men, or the major

part of them, if they thinke it necessarie, to order what house or houses shall be fortified; and what they doe order to be fortified shall be done forthwith, and shall also order upon whose charge; and if any persons doe refuse or neglect to make their proportions they shall pay a fine answerable to their proportions, to be levied by the constable by warrant from civill authoritie. The proportion of each person to be ordered according to their estate in the comon list of estates.*

It is ordered and enacted by this Court: That upon any sudden attack of the enemy, the comission officers of every towne shall have power to send out such a number, not exceeding halfe their souldiers, under such officers as they shall appoint, to oppose the enemy, who may pursue the enemie out of the Colonie so farre as may be for advantage.

It is ordered and enacted by this Court: That there shall be constantly eight men upon the scout untill the grand scout be settled, viz. two from Symsbury, two from Woodbury, and two from Waterbury, and two from Danbury, to be ordered by the discretion of the civill and militarie commission officers in each towne, as also a scout from Windzor to meet with the scouts from Newroxbury, to be ordered by the Councill of Warre.

Whereas the Govern^{r} of Boston hath desired to have about one hundred Indians with some English volunteers out of this Colonie to goe against the comon enemy at the eastward, which the Govern^{r} and Councill of this Colonie hath so farre incouraged as to offer to the English volunteers that shall present themselves for said service the usuall wages that our souldiers have, and to the Indians twelve pence p^{r} day in pay, all which this Court approves of as an addition to the incouragement offered said volunteers by Govern^{r} Dudley, and desire the Honrd Govern^{r} and Councill to see them fitted out with all the speed that may be; their number not to exceed one hundred, of which twelve or more to be English if they can be had; and

* The town of Hartford voted April 8th, 1704, that there should be four houses fortified on the west side of the great river, two north of the rivulet and two south; they were to be those of Samuel Wyllys, John Olcott, Lt. Sanford, and of Mr. Bidwell if Capt. Nichols, Capt. Wm. Whiting and Mr. Tho. Bunce sen. judged convenient, if otherwise, some other house not far distant from that place. Four houses were also ordered to be fortified upon the east side of the river.

their charge of fitting out (except provision and ammunition to carry them into the Massachusett Province) to be paid by said volunteers out of their wages. The officers to be appointed and comissionated by the Govern^r. And it shall be in the power of the Govern^r and Councill, in the intervales of the Gen^rll Assembly, to call home said volunteers from the above-said service when they shall see occasion for it. And it is further ordered that if there be not a competent number of English volunteers, viz. the number of ten or twelve to march with the Indians, then it is left with the Hon^rd Govern^r to aggree with so many as to make up said number upon such incouraging terms as may be thought best.

It is ordered and enacted by this Court: That when and as often as the Govern^r and Councill shall judge it necessarie to impresse men for the publick service within the Colonie, or the Generall Court shall order any number of souldiers to be sent out of the Colonie, the Govern^rs order to the Serjeant Majors [444] shall be sufficient for them to grant warrants to the || constables, or their deputies, of the severall townes within their precincts to impresse so many sufficient and able men, with all things nec[d]full to furnish them for the service, as by such warrants shall be directed to be impressed; and the said constables or their deputies are hereby required to execute all such warrants; and if any person so impressed shall refuse or neglect to attend the service he is impressed for, or to provide an able man to serve in his room, he or they so refusing or neglecting, shall be imprisoned for the space of one quarter of a year, there to remain at his own cost and charge, or pay downe five pound for the use of the Colonie, except such person or persons so impressed upon their application to the civill and military officers of the towne where they are impressed shall by them be released; and the constables shall make up the number they are directed to impresse upon the release of any person or persons. And notwithstanding the release of any such person or persons so impressed, either by paying their fines or release so obteined as aforesaid, such person or persons shall duely watch and ward and doe all other duties required by lawe. And it is provided that the act made in October last that gives power to the Coun-

cill of Warre appointed in the countie of Hartford is not hereby intended to be repealed, and the Governrs Honr to adde three to the number of said Councill of Warre.

Ordered and enacted by this Court: That there shall be sixtie men raised for to garrison and scout from the upper townes in the countie of Hampshire, which men shall be taken out of the counties in proportion as followes, viz. twentie out of the countie of Newhaven, eight out of the countie of Newlondon, sixteen out of Hartford countie, and sixteen out of Fairfield countie, and shall be placed in such townes as the Councill of Warre in the countie of Hartford with the consent of the comanders in chief in said countie of Hampshire shall appoint; and it is to be done with all convenient speed; and said Councill of Warre to manage the affairs of the warre on that side according to their best judgment, and they may recall said men if need be. It is also left to the Councill of Warre to appoint such officers as they shall see cause.

And it is ordered by this Court that a letter be sent to Colł Patrigg desiring him to give a meeting to those gentlmen appointed by this Court to conferre with them, at a time and place convenient, concerning the improvement of those sixtie men that are appointed to be posted in the townes of Hampshire countie both for garrisoning and scouting, so as they may be most serviceable for the preservation of that countie and this goverment, and in all things needfull to concert such measures with their chief comanders there as they shall judge for the mutuall defence of said countie and this Colonie, and to aggree [445] for a proportionable number of men to joyn with ours || for our mutuall defence as the Councill of Warre shall direct. And the men appointed by this Court to treat as abovesaid are Mr John Elliott, and Capt. Mathew Allin for the present, and for the future such as the Councill of Warre shall appoint.

Ordered and enacted by this Court: That there shall be a Comissary in each countie of this Colonie in this time of warre, to continue in their office during the pleasure of this Court; and Capt. Caleb Stanley is appointed Comissarie for the countie of Hartford, Mr John Winston for the countie of Newhaven, Mr George Denison for the countie of Newlondon, Mr John Burr

jun^{r} sonne of Major John Burr, for the countie of Fairfield, which comissaries shall take and keep fair accounts of all the publick charges that shall arise in their respective counties by reason of the warre, and to provide for the souldiers that shall be imployed in the publick service as is customarie. Also said comissaries shall in their respective counties send forth orders to the severall townes therein for the providing of two pounds of biskett for every listed souldier in said townes, which said comissarie shall see done and laid up in such place or places in said townes as said comissaries shall order, that it may be ready upon any sudden occasion for the souldiers use, which stock shall be recruited and made good when any of it is spent, and shall be made of some of the countreys wheat received for rates in the severall townes, to be delivered by the constables of the townes to the severall comissaries or their order; and for want of the countreys wheat in any towne, so much shall be sent from other townes where it is to be spared, by order from the authoritie there upon a signification made to them by the comissarie of the countie; but if there be not a sufficiency of the countries wheat in any countie for this service, then by warrant from an Assistant or justice of peace to the constables, so much shall be impressed in every towne where it is wanted as may be sufficient for the use abovesaid; and the abovesaid comissaries shall from time to time lay their accounts before this Court.

It is ordered by this Court: That there shall be five barrells of powder purchased for the use of the Colonie, two barrells to be lodged in the countie of Hartford, and in the other three counties each one barrell, with lead answerable.

It is ordered by this Court that the Deputies for this Court be paid their salleries as formerly according to lawe.

Whereas M^{r} Sanford hath charged the Govern^{r} debt^{r} about sixe and fortie shillings as money for expences in his house, it is ordered by this Court that it be paid out of the Colonie treasurie.

Vpon the application of severall of the principle person in Farmington, this Court doth order, appoint and desire, the elders and messengers of the churches of the townes of Wind-

zor, Hartford, and Wethersfield, on the west side of the great river, if they judge it convenient, to hear, consider and resolve, whether the towne of Farmington under their present circumstances ought to be divided into two ministeriall societies, and to return their resolution to this Court as soon as possible.

It is ordered by this Court that the last Wedensday of this instant month be kept a publick fast throughout this Colonie. A bill for the fast was read and approved by this Court.

[446] Ensign John Park is by this Court appointed Captain of the trainband in the town of Preston, and Serjt Daniel Brewster to be their Lieuteñant, and Mr William Billings to be their Ensign, and to be comissionated accordingly; and comissions were drawn and signd according to lawe for those severall officers.

Ensign John Munson is by this Assembly appointed Lieutennant of the second company or trainband in the towne of Newhaven, and Eleazar Holt to be their Ensign, and to be comissionated accordingly; and comissions were drawn and signed according to lawe for these two military officers.

ATT A COURT OF ELECTION HOLDEN AT HARTFORD, MAY 11th, 1704. THIS ASSEMBLY CONTINUED TO THE 24TH DAY OF THE SAME MONTH.

Majr Genrll Fitz John Winthrop was chosen Governr.
Colonll Robert Treat Esqr was chosen Deputie Governr.

Assistants chosen were:

Major James Fitch,	Joseph Curtis Esqr,
Capt. Danll Wetherell,	Majr John Chester,
Nathanll Stanley Esqr,	Josiah Rossiter Esqr,
Capt. John Hamlin,	Richard Cristophers Esqr,
Capt. Nathan Gold,	Peter Burr Esqr.
William Pitkin Esqr,	John Alling Esqr.*

Present at this Assembly and sworn, are:

Major Genrll Fitz John Winthrop Esqr, Governour.
Colonll Robert Treat Esqr, Deputy Governour.

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* Elected to supply the place of Major Mansfield deceased.

Assistants present and sworn are:

Major James Fitch,	Joseph Curtis Esq^{r},
Capt. Daniel Wetherell,	Maj^{r} John Chester,
Nathan^{ll} Stanley Esq^{r},	Josiah Rossiter Esq^{r}.
Capt. John Hamlin,	Richard Cristophers Esq^{r},
William Pitkin Esq^{r},	Peter Burr Esq^{r}.

Deputies present at this Assembly are:

For Hartford, Capt. Cyprian Nichols, Capt. Joseph Wadsworth.
For Newhaven, M^{r} Jeremiah Osborn, M^{r} Joseph Moss.
For Newlondon, M^{r} Wil^{ll} Douglas, Serj^{t} Andrew Lester.
For Fairfield, Ens. John Osborn, Serj^{t} John Burr.
[447] For Windzor, M^{r} John Elliott,* Capt. Mathew Allin.
For Saybrook, M^{r} Nathan^{ll} Lynde, M^{r} Nathan^{ll} Chapmā.
For Wethersfield, Capt. Robert Wells, Capt. Tho. Wells.
For Milford, M^{r} Tho. Clark, Ens^{gn} Joseph Peck.
For Branford, Capt. Eleaz^{r} Stent,† M^{r} Peter Tiler.
For Farmingtō, Capt. Tho. Hart, Lieu^{t} John Hart.
For Stratford, M^{r} Jn^{o} Burrett, M^{r} Ephraim Stiles.
For Wallingford, Lieu^{t} Sam^{ll} Hall, Serj^{t} John Merrimā.
For Gilford, M^{r} Joseph Dudley, Lieu^{t} John Seward.
For Glassenbury, Lieu^{t} Sam^{ll} Hale, M^{r} Jonath. Smith.
For Preston, Capt. John Parks, M^{r} Caleb Fobes.
For Lyme, Capt. Wil^{ll} Eelye, Ensign Joseph Peck.
For Symsbury, Capt. John Higly, Serj^{t} Nathan^{ll} Holcomb.
For Norwalk, M^{r} Sam^{ll} Keeler, M^{r} Thomas Betts.
For Stanford, M^{r} Sam^{ll} Hoyt, M^{r} Elisha Holly.
For Kilinsworth, M^{r} John Griswold, M^{r} Sam^{ll} Buell.
For Norwich, Capt. Richard Bushnell, Lieu^{t} Solomō Tracie.
For Windhā, M^{r} Thomas Huntington, M^{r} John Backus.
For Stoningtō, M^{r} Ephraim Minor.
For Derby, Capt. Ebenezer Johnson.
For Haddū, M^{r} Dan^{ll} Brainard, Capt. John Chapman.
For Midltown, Capt. Nathan^{ll} White.
For Waterbury, M^{r} John Hopkins.
For Woodbury, M^{r} John Sherman.
For Danbury, M^{r} Josiah Starre.
For Greenwich, M^{r} Ebenezer Meed.

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* Speaker. † Clerk.

Acts passed at this Assembly.

Impr. It is ordered and enacted by this Court: That there be comittees appointed in the severall counties of this Colonie, who are to take care of and provide for the saftie of their respective counties, and for that end to convene together to consult, advise, direct and comand, in all affairs proper for a comittee of saftie in time of warre, and necessary for defence of her Majesties subjects and carrying on the warre against the common enemy.

And this Assembly doth desire the Governrs Honr with his Councill to take the countie of Newlondon into his care, giving to his Honr with the advice and assistance of any two of his Councill, full power to advise, direct and comand in all matters and things necessary for the safetie of her Majesties subjects and their interests in that countie, and for carrying on the warre.

And the Honrd Deputy Governr, Mr John Alling, Major Ebenezer Johnson, Mr Jeremiah Osborn, Mr Thomas Clerk, Capt. Nathan Andrews, and Capt. Samuel Eels, to be the comittee for the countie of Newhaven, they or any three of them convened to have full power to act in all affairs proper for a comittee of safetie in their countie.

[448] And Capt. Nathan Gold, Mr Joseph Curtis, Mr Peter Burr, Capt. John Wakeman, Capt. James Judson, Mr Ephraim Stiles, and Capt. James Olmstid, to be the comittee for the countie of Fairfield, they or any three of them convened to have full power to consult, advise, direct and comand in all affairs proper for a comittee of safetie in that countie.

And the Councill appointed in the countie of Hartford by the Generall Assembly in October and March last, and nominated and comissionated by the Governrs Honr for the safetie and defence of her Majesties subiects in that countie, and carrying on the warre, are hereby continued in the charge and trust to which they are comissionated.

Forasmuch as the maintaining and defending of the frontiers in time of warre is of uery great importance, and in regard it would greatly preiudice her Majesties interest and incourage

an enemy if any of the outposts should be quitted, or exposed by lessening the strength thereof,—

It is therefore ordered by this Court: That the frontier townes hereafter named are to be so accounted, that is to say, Symsbury, Waterbury, Woodbury, Danbury, Colchester, Windham, Mansfield, and Plainfield, and shall not be broken up or voluntarily deserted without application first made by the inhabitants and allowance had and obteined from this Court; nor shall any inhabitant of the frontiers mentioned, having an estate of freehold in lands and tenements within the same, at the time of any insurrection or breaking forth of warre remove from thence with intent to soiourn elsewhere without libertie as aforesaid, on pain of forfeiting all his estate in lands and tenements lying within such townships, to be recovered by information of and proof made by the select men of such towne.

And it is further enacted: That no male person of sixteen years old and upwards, that shall be an inhabitant of or belonging to any of the townes aforementioned at the time of such warre or insurrection, shall presume to leave such place on penaltie of ten pounds, to be recovered as aforesaid; all which penalties to be improved towards the defence of such place or places whereof such person or persons were inhabitants.

It is ordered by this Court: That ten men shall be put in garrison in each of these townes hereafter mentioned, that is to say, Danbury, Woodbury, Waterbury, and Symsbury, and that the rest of the men to be raised out of the counties of Newhaven and Fairfield with such Indians as can be procured shall be put under sufficient comanders and have their chief headquarters at Westfield, unlesse otherwise ordered by the Councill of Warre in the countie of Hartford; and said company of English and Indians shall, from time to time at the discretion of their chief comander, range the woods to indevour the dis-
[449] covery of an approaching enemy, and in || especiall manner from Westfield to Ousatunnuck.

It is ordered by this Court, that as many of our friend Indians as are fitt for warre and can be prevailed with, and furnished with all things suitable, shall goe with our forces against the comon enemy; and Major Ebenezer Johnson is hereby im-

powered and ordered to imploy suitable persons to acquaint the Indians in the counties of Newhaven and Fairfield of this conclusion concerning them, and to furnish such of said Indians as shall offer themselves for the service as abovesaid, with armes and ammunition, and what else may be needfull to fitt them out for warre, and cause them forthwith to repair to Derby, to march with our English forces under the comand of the chief officer for the said service. The like to be done with respect to raising Indians in the countie of Newlondon by the majr of said countie. And this Court allowes the same wages to such Indian volunteers as those have that are gone to the eastward. And the superiour officer of the forces now to be raised shall have power to release so many English from the service as there are Indians added to them so that the whole number be still four hundred. And for the incouragement of our forces gone or going against the enemy, this Court will allow out of the publick treasurie the sume of five pounds for every mans scalp of the enemy killed in this Colonie, to be paid to the person that doth that service over and above his or their wages, and the plunder taken by them.

Vpon consideration of a letter from Governr Dudley* wherein he signifies that he intends to send two hundred volunteers to the countie of Hampshire, to march to Coassett to ingage the enemy, it is ordered by this Court that when our frontier townes are secured by posting such souldiers as may be judged needfull, then the remainder to be joyned with said Massachusett souldiers to march to Coassett if it be judged expedient so to doe.

It is ordered by this Court that the select-men in every town in this Colonie doe provide a sufficient number of knapsacks and hatchetts with strong belts for them for every sixth man in each trainband, all to be provided at the Colonie charge in such townes where countrey rates are levied; and in such plantations or townes where no countrey rates are levied, to be provided at the charge of the towne or plantation. And the select-men in the severall townes are to take care of such knapsacks,

* Not found on file. Secretary Kimberly's answer, dated May 24, is in War, III, 63.

hatchetts and belts, when they are not improved in the service, and be accountable for them when they are called for.

It is ordered by this Court that drumes shall be beat up for the raising four hundred volunteers to repell the comon enemy, [450] and if there shall not appear volunteers enough, || the serjt majors having received expresse order from the Governour for that intent, shall send forth their warrants directed to the captains or other chief officers of the severall trainbands belonging to their respective regiments, requiring them either by themselves or their deputies to impress so many men proportionably out of their respective companies as may be sufficient to make up the number of four hundred, which warrant shall be sufficient to impower the said officers or their deputies so to doe.

It is ordered by this Court that Willia Whiting Esqr shall be Majr and Comander in Chief of the four hundred souldiers now ordered to be raised and improved against the comon enemy.

And Capt. Abraham Fowler is appointed to be Capt., and Serjt Joseph Sackett to be Lieut of the souldiers raised in the countie of Newhaven for this service.

And Capt. Mathew Allin is appointed to be Captain, and Serjt David Goodrich to be Lieutenant of the souldiers raised in the countie of Hartford for the said service.

And Ensign John Osborn is appointed to be Captain, and Serjt John Hawley to be Lieut of the souldiers raised in the countie of Fairfield for this service.

And Lieut Jeremiah Fitch is appointed to be Captain, and Serjt Ephraim Minor to be Lieutenant of the souldiers raised in the countie of Newlondon for the said service.

It is ordered by this Court that thirtie men of the quota raised in the countie of Newlondon, with what Indians can be gained, shall range the woods on the east side of Connecticutt River according as the Comittee of safetie shall order; and Lieut Peter Aspinall is appointed Lieut of said companie, to have the conduct of them, and also what men are to be raised out of the frontier townes on the east side the river shall be part of them. And those men to be raised out of the townes of Symsbury, Waterbury, Danbury, and Woodbury, to be posted

in the severall townes where they are raised, to be under the comand of the officers of those townes untill they are drawn off to repell the comon enemy.

This Assembly grants a rate of one halfe pennie upon the pound to be forthwith levied upon the inhabitants of this Colonie according to the list of estates exhibited in Octob^{r} last, to be paid in currant money for the procuring of armes and amunition for the service of the Colonie, to be lodged in the severall counties by proportion according to the sumes levied in each countie, to be in the hands of the comittees of safetie in the severall counties and disposed of by them as they shall see cause. Always provided *alwayes provided*, that where it appears that any persons are dead since August last, upon certificate thereof from authoritie, there shall be a proportionable abatement of the levie upon the estate to which such deceased [451] person was listed, and || where money is not to be had, such rate shall be levied double in pay. And it is ordered that a copie of the Court Act for levying of this rate sent to the severall constables shall be as sufficient order to them to collect said rates as if the treasurer had sent forth his warrant for gathering thereof. And the constables are to make up their accounts of this rate with the rate granted in October last at or before the twentieth day of June next.

It is ordered and enacted by this Court: That the Assistants in the counties of Newhaven and Fairfield, with Capt. John Hamlin and Maj^{r} John Chester, or any five of them, shall hold the Court of Assistants at Newhaven in October next, Capt. Nathan Gold Judge of said Court being alwayes one; any three to open the Court and to adiourn if there be not a quorum untill there be a sufficient number of Assistants. And that the Assistants in the countie of Hartford with Major James Fitch, Capt. Daniel Wetherell, and M^{r} Richard Cristophers, or any five of them, shall hold the Court of Assistants at Hartford in May next, William Pitkin Esq^{r} Judge of said Court being alwayes one; any three to open the Court and to adiourn if there be not a quorum untill there be a sufficient number of Assistants. And that Capt. Nathan Gold shall be Judge of the Court of Assistants to be holden at Newhaven in

October next, and William Pitkin Esq^{r} Judge of the Court of Assistants to be holden at Hartford in May next.

And John Hains, John Elliot, Henerie Woolcutt, Robert Wells, John Hooker, and Thomas Hart, Esq^{rs}, are appointed by this Assembly to be Justices of the Peace and Quorum in the Countie of Hartford; and Capt. John Fitch, Capt. Nathaniel White, Lieu^{t} James Treat, Capt. John Chapman, Capt. John Higlye, Lieu^{t} Timothie Stanlye, Eleazar Kimberly and M^{r} Dan^{ll} Brainard, are appointed to be Justices of the Peace in the said Countie of Hartford; and Maj^{r} John Chester is appointed by this Assembly to be Judge of the Countie Court and Court of Probates in the Countie of Hartford.

And Nathaniel Lynde, William Eely, Nehemiah Smith, Daniel Tayler, Nehemiah Palmer, and Richard Bushnell, Esq^{rs}, are appointed by this Assembly to be Justices of the Peace and Quorum in the Countie of Newlondon; and M^{r} Ephraim Minor sen^{r}, M^{r} Sam^{ll} Buell, and Lieu^{t} Jonath. Tracie, are appointed to be Justices of the Peace in the said Countie of Newlondon, and M^{r} Michael Tainter to be Justice of the Peace in the towne of Colchester; and Capt. Daniel Wetherell is appointed by this Assembly to be Judge of the Countie Court and Court of Probates in the Countie of Newlondon.

And Jeremiah Osborn, Ebenezer Johnson, Thomas Clerk, William Malbie, Eleazar Stent, and Nathan Andrews, Esq^{rs}, are appointed by this Assembly to be Justices of the Peace and Quorum in the Countie of Newhaven; and Capt. Sam^{ll} Eels and M^{r} John Hall are appointed to be Justices of the Peace in the said Countie of Newhavē; and John Alling Esq^{r} is appointed by this Assembly to be Judge of the Countie Court and Court of Probates in this Countie.

And Capt. John Wakeman, Capt. Mathew Sherwood, Capt. James Judson, Capt. John Minor, and Capt. James Olmstid, are appointed by this Assembly to be Justices of the Peace and [452] Quorum in the countie || of Fairfield; and M^{r} David Waterbury, M^{r} Joseph Bishop, Lieu^{t} Sam^{ll} Peck, Lieu^{t} James Bebee, and M^{r} John Sherman, are appointed to be Justices of the Peace in the said Countie of Fairfield; and Capt. Nathan Gold is appointed by this Assembly to be Judge of the Countie Court and Court of Probates in the said Countie of Fairfield.

To prevent disorderly pleading in Courts of judicature, the severall Courts in this Colonie are by this Assembly directed and impowered to take speciall care to keep good order in their respective Courts that there may not be clamours and noise to pervert justice, and for that end to give rules for orderly pleading, and to oblige all parties concerned to speake one after another in their turnes, and to impose fines not exceeding five shillings for one offence upon all those persons that shall break such orders.

Whereas we are often told from the publick ministrie as well as from private discourses of the wise and pious persons of our age, that one crying sinne that may procure impending judgments further to come down on our land as well as those that are already inflicted on us, is the neglect of putting good lawes in execution against im̃oral offenders, that therefore such neglect may be prevented for the future: It is ordered and enacted by this Court, That henceforth there shall be in every countie a sober, discreet and religious person appointed by the Countie Courts to be Atturney for the Queen, to prosecute and implead in the lawe all criminall offenders, and to doe all other things necessary or convenient as an atturney to suppresse vice and im̃orallitie. And the said atturneys charges and incouragement to be allowed out of the treasurie of the countie. And the atturney in the countie of Hartford to prosecute criminalls in the Court of Assistants when holden in that countie, and the Atturney in the countie of Newhaven to prosecute criminalls in the Court of Assistants when holden at Newhaven.

This Court doth desire and direct the rever^{d} ministers of this Colonie in imitation of our nation to excite and stirre up their good people to perticular societies in order to indevour a reformation of what provoking evills are to be found amongst us.

Whereas it is found by experience that post sent upon emergent occasions are so impeded that they are forced to lye upon their own charges unlesse they are relieved by a bill from authoritie to the constables: It is therefore ordered by this Court, that in cases extraordinarie the authoritie may grant a bill to the constables for y^{e} defraying of such charges as are really necessary.

[453] It is ordered by this Court that the plantation at Cockinchaug shall be called Durham, and the inhabitants there shall have this figure, ID for a brand for their horskind. And the brand for horses in the towne of Danbury shall be this figure, II.*

Ordered and enacted by this Court, that the Governrs Councill for the intervale of the Courts this year, viz: untill October next, shall consist of the same members, and have the same power as they had given to them the last Court.

This Assembly doth desire that Sr Henerie Ashurst should continue in his Agencie in behalfe of this Colonie, and for his service therein doe order that there shall be annually paid to his assigne in Boston the sume of one hundred pounds currant money of Newengland, during the time that he shall continue Agent for this goverment, to be paid out of the Colonie treasurie.

Ordered and enacted by this Assembly, that Sr Henerie Ashurst shall continue his Agencie for this Colonie so long as both Houses shall joyntly agree, and no longer.

This Assembly allowes the Treasurer sixtie pounds in pay for his sallerie this year and riding the circuit to make up his accounts with the constables.

The Treasurer is by this Court impowered to sell the land which was taken from John Martin upon Kircums account, and give a sufficient deed for conveyance.

This Court doe allow unto Mr John Elliott, Speaker, thirtie shillings in pay for his good conduct this sessions, and to Eleazar Stent thirtie shillings in pay for his Clerkship this sessions.

Mr Richard Cristophers, Mr John Eliot, Capt. Cyprian Nickols, Mr Joseph Moss, and Mr Elisha Holly, or any four of them, are appointed by this Assembly to be Auditors, to auditt the Colonie accounts with the Treasurer.

Whereas there is a complaint by Nicholas Hallam in behalfe of Owaneco presented to the Lords of the Committee for Forreign Plantations, of iniustice done him by this corporation and severall English within this Colonie, in taking away and defrauding him of his lands: In order that a full and perfect account

* The same brand had been appointed in 1687, *ante*, vol. III, 240.

of that matter may be obteined and prepared to lay before their Lordships, this Court orders that a full and ample comission shall be given to such persons as this Court shall make choice of to hold a Court of Inquirie in such place or places within this Colonie as they shall judge convenient, and to issue out sumons or citations, to all maner of persons who may be supposed to hold any of those lands that have been claimed by the said Owaneco to appear before them and shew by what means they have obteined and doe hold the said lands; as also to administer such oaths and to make such orders as they shall judge necessary to enable them to make a full and perfect report of the whole matter of fact relating to the said claim, whether by Owaneco or by this goverment or by any perticular persons or [454] townes whatsoever; which said report shall be made || to the Generall Court in October next, that thereby a true answer may be given to the aforesaid complaint.

Capt. Dan[ll] Wetherell, M[r] William Pitkin, the Secretary, M[r] John Elliot, Capt. Richard Bushnell, and Capt. William Eely, are appointed and impowered by this Court to hold the said Court of Inquirie, they or any four of them convened to be a quorū to hold the said Court, and to have and exercise all the powers mentioned in the above recited bill.

Capt. Daniel Wetherell, M[r] Richard Cristophers, and M[r] John Plumb, are appointed by this Court to be a comittee to auditt Capt. Prentices accounts respecting the fort at Newlondon, and to allow what is just and reasonable and no more.

Capt. Ebenezer Johnson is by this Assembly appointed Serj[t] Maj[r] of the Countie of Newhaven, and to be comissioned accordingly.

This Court grants liberty and power to the inhabitants of Newlondon living on the east side the river to make a rate of twentie pounds yearly as an addition to what they have already given to their minister; to be levied on the severall inhabitants on that side the river and gathered according to the usuall maner of levying and gathering the ministers rate in Newlondon.

Ordered and enacted by this Assembly: That the severall town officers chosen at Greenwich old towne for the present

year at a town meeting warned by authoritie, shall continue in their severall offices till the time appointed by lawe to choose new officers.

This Court desire and appoint the reverd ministers in the townes of Hartford, Windzor, and Wethersfield, to procure a minister for Farmington, who are hereby ordered to receive him and to pay him as formerly, untill this Court doe order otherwise or themselves agree.

This Assembly having considered the petition of Capt. Allin Ball and John Potter, inhabitants on the east side of the East River in the township of Newhaven, moving that whereas this Assembly did formerly grant* that they should be a distinct societie and have libertie to call and settle a minister amongst them when they should find themselves able to maintain the ordinances of God in suitable mañer, and that they doe apprehend that they are now able so to doe, that therefore this Assembly would please to grant them certain priviledges and other matters and things for their incouragement and inabling to goe forward with that worke: This Assembly for divers weighty reasons doe see cause to referre the further consideration of their petition to the Genrll Assembly in October next, and if the inhabitants of Newhaven doe not appear at the said Genrll Assembly and there make their pleas, then the petition shall be granted with this restriction, that the propertie of lands shall not be concerned with.

Whereas there is great difficultie and trouble amongst the inhabitants of Lebanon through the unsettlednesse of their [455] lands, || and severall of the inhabitants have made their application to this Court for a settlment without signification given to the persons concerned with them: It is ordered by this Court, that the publication of the said application in the town meeting, or reading of it to the severall persons concerned, shall be accepted in that case (as that which is intended in the lawe, title Petition) for citation; and that the Court may have the best light that may be in the case, doe also order Mr Caleb Stanley, surveyor, (at the charge of the persons subscribing said application) to runne the south or southerly line parralel

* In May, 1680, *ante*, Vol. III, 57.

with the north line mentioned in the deed from Owaneco, and make return thereof to this Court in October next.

This Court grants the petition of Mr Samll Russell, Mr Gurdon Saltonstall, Mr James Steel, Mr Benjamin Tallcott, Mr Nathanll Tallcott, and the rest of the proprietors of the farmes at Cockinchaug, concerning the settlment of the said Cockinchaug, they laying downe the one fourth part of their severall farmes for the better accomodation of inhabitants to be received there; which quarter part, together with such comon land there that hath not already been granted away by the Generall Court, shall be laid out by the said farmers as a comittee in houselotts and other allotments to such persons as shall offer themselves for inhabitants there, and are qualified for inhabitants according to lawe; which plantation shall be called by the name of Durham and have this figure for a brand for their horskind, viz. ID. And whereas the towne of Killinsworth have formerly had a grant of land within the bounds of Cockinchaug, it is ordered that if they will lay downe a quarter part thereof for the accomodation of the plantation as the abovesaid farmers doe, then they shall have libertie to appoint a proportionable number of themselves to be joyned with the comittee of farmers for the laying out and disposing of the land to inhabitants as is before expressed.

Ordered and enacted by this Court: That the officers ordered by lawe to take care of fortifications in Windzor shall indevour that there be a fortification made to secure the ferry there.

Ordered and enacted by this Court: That the farmers or proprietors at Cockinchaug, viz. those proprietors on the east side, doe run their lines and mark their bounds within one year and give notice to their adioyning neighbours, but if they doe not so bound their farmes that then the surveyor of the countie of Hartford shall measure and bound said farmes upon the charge of the proprietors.

This Assembly (upon the request of severall inhabitants of the towne of Preston) doe appoint Mr John Plumb of the town of Newlondon with two more suitable persons to newsurvey the bounds of the bounds of the said towne of Preston from Stonington bounds to the north end of their bounds, and to

make report of their survey to this Assembly, that if they have not the quantitie that their grant mentions the Assembly may, if they see cause, make up what is wanting, and so settle the bounds of their towne that the inhabitants may enioy peace.

This Assembly doth give and grant to Mr Thomas Buckingham, Capt. John Chapman, Mr John Pratt, Capt. John Clerk, Mr William Parker, Mr Robt Lay, Zecharie Sanford, of ye town of Saybrook, and to the rest of the present proprietors of that tract or parcell of land called by the name of Saybrook within this *this* Colonie, in their actuall full and peaceable possession [456] and seizin being, || their heirs and assignes forever, all that the said tract and parcell of land called and known by the name of Saybrook, conteining by estimation about sixtie three square miles of land, or fortie thousand three hundred and twentie acres, be the same more or lesse, butted and bounded as followeth, that is to say, on the east or easterly with the Great River of Connecticutt, and on the south or southerly with the sea or sound, and on the north or northerly with a strait line drawn and running near west from a certain oak tree marked and a meerstone sett by it standing about four or five rods west from the banke of the said River of Connecticutt and near west from the southern or lower end of Twentie-mile Island in the said river, to a heap of flatt stones cast up, the northwest corner boundmarke being ye line between the said towne of Saybrook and the towne of Haddum; and on the west or westerly with a line drawn and runing near south from the said heap of flatt stones to two chestnutt trees growing out of one root close by a great rock that is upright like a wall on its south side, and thence to a white oak tree marked with the letters S. B. on the east side and K. B. on the west side, standing near the old riding place or pathway through Manunkateset River, and thence to a white oak stadle whose top is cutt off, and about which is a heap of stones cast up, standing on the banke near the sea shore, being the line between the said towne of Saybrook and the town of Kilinsworth; which said tract or parcell of land is esteemed to be about eleven miles in length from the north to the south end thereof, and about seven miles in breadth at the south end thereof by the sea or sound, and about four

miles and an halfe mile in breadth at the north end thereof next the town of Haddū aforesaid; and also, all and singular the rights, priviledges, hereditaments and appurteñances of the same. And this Assembly doe order and enact that the said Thomas Buckingham, John Chapman, John Pratt, John Clark, William Parker, Robert Lay, Zechariah Sanford, and the rest of the said present proprietors of the tract of land hereby granted to them, shall have a pattent for the said land and premises hereby granted, so butted and bounded as aforesaid, to be signed by the Governr and Secretary, in the name and behalfe of the Governour and Company or the Generall Assembly of this her Majesties Colonie; which pattent shall be of full force and virtue to all intents and purposes in the lawe for the ensuring and sure-making of all the said tract of land and premises so butted and bounded as aforesaid with its appurtennances vnto the said Thomas Buckingham, John Chapman, John Pratt, John Clerk, William Parker, Robert Lay, Zechariah Sanford, and the rest of the said present proprietors thereof, their heirs and assignes forever; and that the said tract of land shall from time to time forever hereafter be deemed, reputed, and be, an intire township and town of itselfe, and called and known by the name of Saybrook, and that the proprietors and inhabitants [457] thereof shall ‖ at all times forever hereafter have, use, exercise and enioy all such rights, powers and priviledges among themselves, as are given, granted, allowed, exercised and enioyed by and amongst the inhabitants and proprietors of other townes in this Colonie.

The Report of the coñittee appointed by this Assembly in October last to survey a tract of land petitioned for by Capt. Andrew Belcher of Boston, merchᵗ, is as follows, vizᵗ:

To the Honᵇˡ the Genʳˡˡ Assembly of the Colonie of Coñecticutt sitting in Hartford May the 11ᵗʰ, 1704.

Whereas the Generall Assembly of the said Colonie held at Newhaven October the 14ᵗʰ, 1703, did order and appoint us the subscribers hereunto to measure and survey a certain tract of land adioyning to Capt. Andrew Belchers farme called Merriden, and lying between the said farme and the top or ridge of the mountain usually called Lamentation Mountain (which said tract of land the said Belcher did petition for to the said Court) and to make our return thereof to this Honʳᵈ Court now sitting

both as to the quantitie and qualitie thereof: In pursuance whereof we, the said subscribers, did survey and measure the said tract of land in mañer as followes, viz. from the southeast corner of the said farme we run and measured east (by the needle of the surveying instrument) eighty rods, and then east seventeen degrees northerly sixtie eight rods to the top of the said mountain, and from the northeast corner of the said farme we run and measured east 29 degrees southerly one hundred and twentie rods to the top of the same mountain. We also found the said mountain to lye and bear near north thirtie degrees easterly, south 30 degrees westerly; and considering the same with the lines that are the eastern boundary of the said farme (having a plott thereof before us) we found that the said land petitioned for as aforesaid, doth contein about two hundred and eightie acres. And as to the qualitie thereof by reason that the same is almost wholy consisting of steep rocky hills, and very stony land, we judge it to be very mean, and of litle vallue. All which we humbly present to this Hon^{bl} Assembly.

Thomas Hart,
Caleb Stanly, Survey^{r}.

This Assembly grants to Capt. Andrew Belcher of Boston, merch^{t}, and to his heirs forever, the tract of land mentioned in the above survey, conteining about two hundred and eighty acres with the bounds and abuttments as above exprest, and that he shall have a pattent for the confirmation of it accordingly, to be signed according to lawe in the name of this Assembly. Alwayes provided it shall not intrench upon the propertie of any other person, or upon any plantation.

The report of the surveyors appointed by this Assembly to lay out land to Thomas Dickison of Glassenbury.

To the Hon^{bl} the Generall Assembly of the Colonie of Connecticutt sitting in Hartford May the 11th, 1704.

Whereas the Gen^{rll} Assembly of the said Colonie held at Hartford May 13th, 1703, did order and appoint the surveyor of the countie of Hartford and the town-measurer or surveyor [458] of some towne in the said countie to ‖ survey and lay out one hundred and ten acres of the said Colonies land for the heirs of Samuel Hale and Thomas Hale deceased, formerly granted to them (which is now purchased by and belonging to Thomas Dickison of Glassenbury in the countie aforesaid.) In pursuance whereof we, the subscribers hereunto, have surveyed and laid out the same in mañer following, that is to say, we began at a certain great white oak tree marked with divers

letters, standing eastward of a place called Sadlers Ordinary, and in Glassenbury southern line or boundary and about four foot from the road or path leading from said Glassenbury to Colchester; and from the said tree we run (by the needle of the surveying instrument) south 30 degrees 56 minutes easterly 168 rods to another great white oak tree markt, standing near the great pond by the said road; and thence we run west 30 degrees fiftie six minutes southerly 110 rods to a small white oak tree markt; and thence north 30 degrees 56 minutes westerly 236 rods, to another white oak tree markt, standing also in Glassenbury southern line or boundary; and thence east in the said line or boundarie 129 rods to the first mentioned great white oak tree where we began. The said piece of land so surveyed comprehendeth within it a piece of meadow land, called the meadow of Sadlers Ordinarie, and is bounded with the said towne of Glassenbury on the north or northerly; which survey is humbly presented to this Hon^{bl} Assembly, by

Caleb Stanly, Surveyor,
Benjamin Churchell, Survey^{r}.

This Assembly grants to Thomas Dickison of the towne of Glassenbury, and to his heirs forever, the one hundred and ten acres of land mentioned in the above survey, according to the bounds and abuttments above exprest, and that he shall have a pattent for the confirmation of it accordingly, sign^{d} according to lawe in the name of this Assembly. Provided it doth not intrench upon the propertie of any other person or upon any plantation.

M^{r} John Wakeman is by this Assembly appointed to be Captain of the trainband in the towne of Fairfield, and M^{r} Thomas Williams to be Ensign of the trainband in the towne of Plainfield, and Lieu^{t} John Beardsly to be Capt. of the trainband in the plantation of Stratfield, and Lieu^{t} James Bennet to be their Lieuteñant, and Ensign Joseph Treat was appointed Lieuteñant of the eldest or first company in the towne of Milford, and Serj^{t} Beniamin Fen to be their Ensign, and M^{r} William Hall is appointed to be Ensign of the trainband in the towne of Mansfield. All the abovesaid officers are comissionated to their respective offices by order of the Gen^{rll} Assembly.

Whereas Capt. Thomas Allin of Windzor died intestate, and a distribution of his housing and land was partly made by the countie court, and afterwards by order of the Gen^{rll} Court there

was a further distribution of said lands, which distributions in-
[459] terfere || by setting out land to Capt. Mathew Allin which was before sett out to his brothers: This Court therefore order and fully impower the court of probates in the countie of Hartford to inquire into that matter, and make such orders concerning a new distribution of the aforesaid land, the former distributions of which have interfered as aforesaid, and also concerning the rest of the land belonging to said Capt. Thomas Allin which is not yet distributed, as shall seem just and legall to the said court of probates for a full issue of that matter, any former distribution of said lands notwithstanding.

This Assembly upon the application of Ensign Joseph Peck of Milford that a stop might be put to execution upon the judgment of the Court of Assistants holden the fourth of this instant in a case depending before them by appeal upon a plea of nonsuit in an action of trespasse comenced against him by Thomas Andrews of the same towne; by which judgm^{t} the Court of Assistants declared the plea of nonsuit to be a void plea, and that the action ought to proceed, and that said Joseph Peck should pay costs five pounds and three pence pay: This Assembly having considered the case doe order that in case the said Andrews shall goe forward with his suit in said action of trespasse untill the same be finally issued, that then he that shall lose in said action at last shall bear all costs, and in the mean time execution upon said judgm^{t} shall be suspended, or if it be already served upon the estate of the said Joseph Peck his goods shall be returned to him. And if the said Andrews shall neglect or refuse to bring forward his suit in the said action of trespasse in Newhaven countie court as already begun, then the judgm^{t} of the said Court of Assistants for the paym^{t} of the said five pounds and three pence pay to be void and of none effect.

Solomon Andrews, William Warren, Thomas Warren and Mathias Treat, petitioning to this Court that they may continue to pay their proportions to the ministrie on the west side of the river at Hartford, and not to be compelled to pay to the mimstrie on the east side, their petition is not granted, but they shall continue to pay to the ministrie on the east side of the river.

It is ordered by this Court that M^r^ Thomas Richards of Hartford shall have a hearing of his petition concerning his servant Abda, at the Gen^rll^ Court in October next, if he shall there prosecute it according as the lawe directs.*

This Court confirmes an exchange of land made between Joseph Pratt sen^r^ late of the towne of Saybrook deceased, and Marie Bate, widdow and relict of Sam^ll^ Bate late of said towne dec^d^, an acc^t^ whereof follows, viz. Marie Bate upon the s^d^ exchange hath received one acre bounded south on the highway, west upon said Pratts land, north and east upon said Bates land; and the said Joseph Pratt hath in lieu thereof three acres and a halfe of swamp land, bounded north upon the comons, east and south upon said Bates land, west upon said Pratts land.

This Assembly grant libertie and full power to Elizabeth Clerk of the towne of Hartford, widdow and relict of Thomas Clerk late of said Hartford, tanner, dec^d^, to sell to John Turner of the same Hartford, glover, the moietie or one full halfe part of a tan yard and the houses and appurtenances thereof, lying [460] and being in Hartford aforesaid || which the said Thomas Clerk purchased and bought of the said John Turner a litle before his decease (the other moietie whereof now belongs to the said Turner) and to make and give a good and sufficient deed and conveyance of the same to the said Turner as the lawe requires.

This Assembly grants full power to James Handerson of Hartford, administrator on the estate of John Grave late of Hartford dec^d^, to exchange five acres and a halfe of land lying in Hartford belonging to the estate of the said John Graves, with Henerie Brace of said Hartford for other five acres and halfe of land late belonging to said Grave purchased by the said Brace, and to sell the dwelling house of the said Graves to the said Brace, and make and give sufficient deeds for the same. Provided the said James Handerson shall give securitie by two good bondsmen, such as the court of probates shall appoint in trust for said Graves^s^ heirs, to pay the money produced upon the sale of said house to the heirs of said Graves when they come of age to receive it.

* A curious and interesting fugitive slave case, papers connected with which are in Miscellaneous, II, 10-21.

Ordered by this Court that the whole difference between the Treasurer and Sam[ll] Steel and William Goodwin, constables of Hartford for the year 1698, be referred to the consideration and determination of M[r] Nathan[ll] Stanly, Major John Chester, M[r] Timothie Woodbridge, and M[r] Caleb Watson, who shall at a convenient time by them appointed have the whole accounts laid before them by the treasurer and the abovesaid constables for that end; and that the determination of any three of those gentlmen appointed to hear the differences between the treasurer and the said constables shall be a finall issue in that matter; and if there be need execution to be granted thereupon, and that the said parties forbear any further processe at the Court of Assistants in that matter.

Whereas Anne Mew of the towne of Newhaven did give, grant, bargain and sell, unto Thomas Trowbridge of the same towne, merch[t], fourteen acres of meadow in the fresh meadow near the iron works, bounded on the west by John Austin his meadow, on the south by the upland, on the east by the meadow of the said Ann Mew, also on the north by the said Mew, as appears by a deed under the hand and seal of the said Ann Mew, bearing date the sixt day of Aprill, one thousand sixe hundred eighty eight, this Assembly doth hereby confirme the said deed of sale.

This Assembly upon the petition of Sam[l] Sterry of the town of Preston, grant to him libertie to prosecute a review from the judgm[t] of the countie court holden at Newlondon September the 16[th], 1701, in a case there depending between him and Ensign William Denison respecting a certain parcell of land in the said towne of Preston, at the countie court to be holden at Newlondon in June next, and to proceed further in lawe from court to court untill the case be ended.

This Assembly doth recomend it to the countie court in New- [461] london || to consider the fine imposed by the said court upon Joseph Seldin and his two sonnes, and according to his good behaviour to abate or remit the same as in their wisdome they shall judge most conducing to the publick peace and his own good.

Joseph Seldin of the towne of Lyme appearing in Court to

prosecute his complaint against Capt. William Eely for male-administration, Capt. Eely pleaded in barr that he had no citation. The Court considering that this case is brought to this board by referrence from the Genrll Assembly in Octobr last, and that both parties are under bond to appear before this Court, Joseph Seldin to prosecute his complaint, and Capt. Eely to answer and abide the judgmt of the Court therein, the Court overules the plea in barr and order that the complaint shall proceed to a hearing. The Court having heard and considered the pleas of both parties doe not judge Capt. Eely to be guiltie of male-administration in the matters alledged by said Seldin, and therefore order that said Seldin shall pay to Capt. Eely cost of suit. Cost allowed to Capt. William Eely in this suit is two pounds eleven shillings and sixe pence in pay, and nineteen shillings and four pence in money.

This Assembly upon the petition of John Riggs of the town of Derby doe remitt a fine imposed upon him by the countie court holden at Newhaven, for branding a colt contrary to lawe.

Cost allowed to Mr Thomas Hooker for attendance at this Court upon the citation of Bevill Waters is eighteen shillings.

Cost allowed to Mr Roger Woolcutt for attendance at this Court upon the citation of Simon Drake of Windzor is ten shillings.

The Governr and Councill did declare it to be their opinion that appeals from the judgmts of courts in civill actions to her Majestie in Councill ought not to hinder execution, and accordingly did order that execution upon such judgments should be issued forth notwithstanding such appeals.

Daniel Clerk of the towne of Hartford, smith, being fined ten shillings at the Court of Assistants and also ordered to be comitted to gaol for his misbehaviour and refusing to find sureties for his good behaviour, petitioned this Court to release him of his fine and also to grant him gaol deliverie. The Lower House grants his pe[ti]tion, the Upper House leave the consideration of his petition to the Court of Assistants.

Mr Jeremiah Osborn of Newhaven appeared in this Assembly, and pursuant to the libertie granted to him by the Generall Assembly in Octobr last past, moved the Court to reverse a

judgm^{t} recovered against him by Luke Hitcock of Springfield at the Court of Assistants holden at Hartford in May, 1703. The Court having heard and considered M^{r} Osborns pleas in that behalfe, doe not see sufficient reason to reverse the said judgm^{t}, but doe approve thereof.

This Assembly doth appoint the second Wedensday in June next to be kept as a day of publick fasting and prayer throughout this Colonie. A bill for the fast was read and approved of in this Assembly.

At this Assembly Capt. Mathew Allin was chosen Justice of the Peace for the countie of Hartford.

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[462] Acts and Lawes passed at a Generall Assembly holden at Newhaven October the 12th, 1704, and continued by adiournments to the 24th day of the same month.

Present:

Maj^{r} Gen^{rll} Fitz John Winthrop Esq^{r}, Govern^{r}.
Colon^{ll} Robert Treat Esq^{r}, Dep^{ty} Govern^{r}.

Assistants present:

Maj^{r} James Fitch,	Maj^{r} John Chester,	
Capt. Daniel Wetherel,	Josiah Rossiter,	
Nathaniel Stanly Esq^{r},	Richard Cristophers,	Esq^{rs},
William Pitkin Esq^{r},	Peter Burr,	
Joseph Curtis Esq^{r},	John Alling.	

Deputies present:

Hartford, Capt. Cyprian Nichols, Capt. Joseph Wadsworth.
Newhaven, M^{r} Abraham Bradlye, Ens. John Bassett.
Windzor, M^{r} John Wolcutt, Capt. Mathew Allin.
Newlondon, Capt. John Prents, M^{r} Samuel Rogers.
Fairfield, M^{r} Samuel Squire, M^{r} Thomas Jones.
Milford, M^{r} Thomas Clarke, Capt. Samuel Eels.
Wethersfield, Lieu^{t} William Warner, Serj^{t} John Curtis.
Midltown, Capt. Nathan^{ll} White, Capt. John Hall.
Branford, Capt. Eleazar Stent,* M^{r} Noah Rogers.

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* Clerk.

Gilford, Capt. Abrahā Fowler, Mr Joseph Dudlye.
Saybrook, Mr Nathanll Lynde, Mr Robert Chapman.
Norwalk, Mr Thomas Betts.
Danbury, Serjt Josiah Starr.
Norwich, Capt. Richard Bushnel, Mr Joseph Baccus.
Stonington, Mr Samll Stanton.
Farmingtō, Capt. Thomas Hart,* Mr John Hooker.
Symsbury, Capt. John Higly.
Woodbury, Mr John Sherman, Lieut Israel Curtis.
Glassenbury, Lieut Samll Hale, Serjt John Hubberd.
Stanford, Mr Samll Hoyt, Mr Elisha Holly.
Lyme, Mr Mathew Griswold, Mr Thomas Bradford.
Kilinsworth, Mr Samll Buel, Mr John Griswold.
Stratford, Mr Ambros Thomson, Mr Benjan Beech.
Waterbury, Mr Thomas Jud, Mr Thomas Jud Jr.
Preston, Deacō Caleb Fobes, Mr Daniel Brewster.
Haddum, Mr Daniel Brainer, Capt. John Chapman.
Wallingford, Capt. Tho. Yale, Ens. Nathanll Royse.
Derby, Majr Ebenezer Johnson.
Windhā, Mr Thomas Huntington.

Persons nominated to stand for Election in May next to the place of Assistants in this goverment are:

[463] Major Genrll Fitz John Winthrop Esqr, Colonll Robt Treat Esqr, Majr James Fitch, Capt. Daniel Wetherel, Nathanll Stanly Esqr, Capt. Caleb Stanly, Capt. John Hamlin, Capt. Nathan Gold, William Pitkin Esqr, Joseph Curtis Esqr, Majr John Chester, Josiah Rossiter Esqr, Richard Cristophers Esqr, Peter Burr Esqr, John Alling Esqr, John Hains Esqr, Mr Jeremiah Osborn, Mr John Eliot, Capt. Abraham Fowler, Eleazar Kimberly.

Ordered and enacted by the Governr, Councill and Representatives in Generall Court assembled and by the authoritie of the same: That all persons qualified for freemen, according to the lawe, title Freemen, bringing certificate (as in the said lawe is required) to an Assistant or justice of the peace, and that shall take the following oath, (which the said Assistant or justice of the peace is hereby impowered to administer) viz.

* Speaker.

You A. B. being by the providence of God an inhabitant within this her Majesties Colonie of Connecticut, and now to be made free of the same, doe swear by the everliving God that you will be true and faithfull to her Majestie Queen Ann and to her lawfull successors, and to the goverment of her Majesties said Colonie as established by charter, and whensoever you shall give your vote or suffrage touching any matter which concerns this Colonie, being called thereunto, you will give it as in your conscience you shall judge may conduce to the best good of the same, without respect of persons or favour of any man. So help you God.

Every such person shall be a freeman of this Colonie.

It is ordered and enacted by this Court, that the comittees in the several counties in this Colonie appointed in May last to take care of and provide for the safetie of their respective counties shall be continued in the same power untill the Generall Assembly in May next.

It is ordered and enacted by this Court: That the Governour or Deputy Governour with sixe of the Assistants shall have full power to hold the Courts of Assistants at Hartford and Newhaven annually, on the dayes appointed by lawe for holding the said Courts; and that in the absence of the Governour and Deputy Governour, any seven of the Assistants convened shall have full power to hold the said Courts, in which case the eldest Assistant present shall preside. And this order to be attended for the future, any former lawe, usage, or custome to the contrary notwithstanding.

It is ordered and enacted by this Court: That in the intervale of the Generall Courts the Governour or Deputy Governour and one Assistant from each countie convened, shall have full power to send men for the relief of Hampshire countie to keep garrison there, or to pursue the enemy into the wildernesse, and to draw them off again as there shall be occasion for it, and to doe the like with respect to our owne frontiers.

It is ordered and enacted by this Court: That the Serjeant Majors that have been upon the Queens service in the late warre the sum̃er past shall be allowed sixe and thirtie shillings p^r^ week in pay for their service and no more.

It is ordered and enacted by this Court: That all souldiers imployed in the countries service the sum̃er past that furnished

themselves with armes and other accoutrements shall be allowed twelve shillings p^{r} week as volunteers; and all others furnished with armes and other accoutrements upon the Colonie account, to be allowed ten shillings and sixe pence p^{r} week and no more; [464] and all such as went out upon any sudden ‖ exigence at any time to be allowed twelve shillings p^{r} week; and all such as went out scouts from the severall townes to be allowed three shillings p^{r} day for themselves and their horses, they finding their own amunition and provision; and the captains or other chief officers comanded to impresse or list such souldiers, shall speedily give the best account they can to the comissarie of the countie what souldiers (by them listed or impressed) were volunteers or furnished themselves as above exprest, and his account shall be a rule for the comissarye to enter them accordingly.

It is ordered and enacted by this Court: That the Assistants and Justices of the Peace in every towne in this Colonie, where there is any or any one or more of them, and where there is none the two chief military officers in such towne, shall passe as just a valluation or apprizement as they can of all such armes or other accoutrements, horses, sadles, bridles and such like furniture, lost or endamaged in the countries service, and give a bill for the same accordingly to the owner thereof, which bill shall be accepted by the colonie treasurer as legally signed. Alwayes provided if the sume be above fortie shillings the bill be signed by two of the abovesaid civil authoritie or militarye officers or one of each. And whereas at a Generall Assembly holden at Newhaven October the 14th, 1703, in the act past for stating officers and other souldiers wages, it is exprest that they shall have so much p^{r} day as is mentioned in said act, it is now declared by this Court, that those words p^{r} day, in said act were understood and intended to be onely for the sixe working dayes of the week, and that lawe is alwayes to be so understood for the future. And every horse improved in her Majesties service for the future shall be allowed two shillings p^{r} week and no more, any lawe or custome to the contrary notwithstanding, except horses improved upon a sudden exigence, which shall be allowed twelve pence p^{r} day if such horses be

returned within seven dayes, but if such horses shall be kept in service more then one week, to be allowed sixe shillings for the first week and two shillings p^{r} week after the first week.

It is ordered and enacted by this Court: That no souldier shall presume to spoil, sell, convey away, or imbezel, any amunition delivered to him, on pain of having double the vallue of the ammunition so imbezeled or spoiled deducted out of his wages. And if any person or persons whatsoever shall take for pledge or buy any souldiers armes or other accoutrements, of either English or Indians reteined in her Majesties service, such person or persons shall be fined to the publick treasurie the vallue of such armes or other accoutrements so taken in pledge or bought, to be recovered by bill, plaint or information, in any court of record in this Colonie, and all such armes and other accoutrements shall be forfeited, and returned to the owner thereof.

[465] It is ordered and enacted by this Court: That when any souldiers are to be raised for her Majesties service against the comon enemy, the captains or other officers comanded to list or impresse such souldiers shall speedily transmit to the comissarie of the countie, the names of all such souldiers by them listed or impressed, and the time when, with a perticular account what armes, amunition, or other accoutrements, are imprest or taken up upon the Colonies account for each of them; and the Colonie shall not be obliged to pay any charges arising upon the account of such souldiers while they are under the care and comand of the severall captains or other chief comanders appointed to have the charge of them, except such as the captain or other chief comander of each perticular company of such souldiers shall give order for. And the said captain or other chief comander shall when they are dismist speedily give an account to the comissarie of the countie what each souldier belonging to their companies while under their comand hath had upon the countrie account, and the time when they were disbanded. And no constable or any other officer, appointed to pay the Colonies debts, or any other person shall pay any wages to any souldier or souldiers after they are discharged from the Colonies service without a perticular order

from the comissarie of the countie. And the severall officers in the capacities above exprest, that have had the care (in the respects above mentioned) of the souldiers that have been in the countries service the sumer past, shall give the best account they can to the commissarie of the countie according to the above order respecting such officers for the time to come, which account shall be accepted by the said commissarie, and the souldiers charged and the persons therein concerned allowed accordingly.

It is ordered by the authoritie aforesaid, for the incouragement of souldiers to take good care of their armes, amunition, and accoutrements, that all private centinels as shall be improved in her Majesties service that furnish themselves compleat with armes, amunition and all necessary accoutrements during all the time they shall be in said service shall be allowed ten shillings and sixe pence p^{r} week for ordinary service; and all such as doe not so furnish themselves nine shillings p^{r} week for ordinarie service; and such souldiers as goe upon a sudden exigence at any time that so furnish themselves, shall be allowed twelve shillings p^{r} week; and that no horses be impresed for souldiers except for a sudden exigence or by expresse order from the Governour or Deputy Governour.

It is ordered and enacted by this Court: That every towne and plantation in this Colonie shall be provided with a number of snow shoes and Indian shoes, no lesse then one pair of snow shoes with two pair of Indian shoes for every thousand pound in the list of estate in such towne, which snow shoes and Indian shoes shall be provided at or before the tenth day of December next by the select-men in every towne at the charge of the Colonie, and shall be kept by them in good repair and fit for service when there may be occasion to make use of them. And the select-men of the severall townes who shall neglect to pro- [466] vide || such a number of snow-shoes and Indian shoes, and to keep them in good repair as abovesaid, shall each of them pay as a fine to the Colonie treasurie the sume of ten shilling.

It is ordered and enacted by this Court: That no person shall be allowed above four pence p^{r} meal in pay for the enter-

teinment or refreshment of souldiers in the late service, and four shillings and sixe pence p^{r} week for boarding a souldier; and that no person shall be allowed above four pence in pay for enterteining a souldiers horse a night with grasse or hay, and fifteen pence p^{r} week for enterteining a souldiers horse.

Whereas the lists of estates of severall townes in this Colonie are imperfect, polls, trades, mills, and trading, not being inserted therein as the lawe requires, it is therefore ordered and enacted by this Court, that the listers in those townes where lists are so defective shall speedily supply those defects, by adding thereunto such polls, trades, mills and trading, as have been omitted, and putting a due valluation thereupon as the lawe directs, and transmit a true account of such addition to the Secretary forthwith, that the same may be given in to the Treasurer and added to the grand list.

This Court considering the great inconvenience of multiplying military comission officers, and the burthen of service and duty thereby increasing upon some persons, doe order that if any such comission officer in this Colonie for the future shall lay downe his place or give in his comission without libertie first had and obteined from the Govern^{r} or Generall Assembly, such officer shall be listed by the captain or chief officer of the company in which he resides, and serve in the place of a private centinel, and doe all duties and services as any souldier or private centinel is compellable by lawe to doe. And if any inferior officer as serjeants or clerks of the foot, or corporalls or clerks of the troop, shall lay downe his place without libertie first had and obteined from the sergeant maj^{r} of the regiment whereto he belongs or the countie court, such inferior officer shall be listed in the rolls of the trainband within whose precinct he resides, and doe all duties and services as private centinels are required by lawe to doe. Also this Court allowes no salleries to troopers for the future.

It is ordered and enacted by this Court: That for the future such persons as shall be invested with the office of fence-viewing in the severall townes in this Colonie, shall duely view the fence belonging unto the common field, and give notice of the defects they find therein to the owners thereof; and if the said owners neglect to repair the same more then twentie four hours after

such notice given, the fence-viewers shall fine such neglects according to the nature thereof, and give account thereof in writing to the next authoritie who shall forthwith issue forth a warrant to the constable to levie such fines, and deliver them to the select-men for the use of the towne. And whatsoever in the former lawe is not consistant with this act is hereby repealed and made void.

[467] Whereas at a Generall Assembly holden at Newhaven October the 8th, 1702, it is exprest in the first act past by that Assembly that the new revised printed lawes shall take place and be in force on the first day of December next: it is now declared by this Assembly, that all other lawes then in force were by said act intended and concluded to be repealed, and are hereby declared to be repealed and made null and void, except such as have been since revived and continued.

This Court grants a rate of twelve pence upon the pound of all the rateable estate in this Colonie for the defraying of the publick charges this year; to be paid in winter wheat at sixe shillings pr bushell, sumer wheat at five shillings pr bushell, rye at three shillings and sixe pence pr bushell, Indian corne at three shillings pr bushel, barly at four shillings pr bushell, oats at two shillings pr bushell, pork at three pounds fifteen shillings pr barrel, beeff at five and fortie shillings pr barrel; all the grain to be good and merchantable, and porke and beeff to be in good and tight caske well repact by a sworn packer and marked with his marke. And if any person cannot pay his rate in such specie as is abovementioned, he shall pay his proportion in neat cattel not exceeding seven or eight years old, to be paid in the spring of the year when cattel can live well upon grasse; and if the debtor and creditor cannot agree upon the prizes, then to be prized by two indifferent men chosen one by the debtr and one by the creditor, under oath, and if they doe not agree then a third man to be chosen by the constable. And if any person will pay two thirds money it shall be accepted for his whole rate.

Councill stated:

It is ordered and enacted by this Court: That the Councill in the intervale of the Generall Courts untill May next shall consist of seven or not lesse then five, viz. the Governr or Dep-

uty Govern^r^, and two Assistants at the least, with M^r^ Saltonstall, M^r^ Nehemiah Smith, M^r^ Nehemiah Palmer, and Capt. Richard Bushnel, who shall have power in the intervales of the Generall Assembly to mannage the affairs of this Colonie according to charter, they not to raise men to send out of the Colonie (unlesse in case of exigence) nor dispose of money. Alwayes provided that in extraordinary cases the Govern^r^ or Deputy Govern^r^ shall call the Councill of Assistants, or as many as can be convened.

This Court grants to the Hon^rd^ Govern^r^ a sallerie of one hundred and twentie pounds in pay for this year, he bearing his own charges; and to the Deputy Govern^r^ a sallerie of fiftie pounds in pay for this year, he bearing his own charges.

This Court grants to the Colonie Sherriff eight pounds in pay for his sallerie this year, he bearing his own charges.

This Court allows to Newhaven Countie Sherriff four shillings p^r^ day in pay for his attendance upon this Court this sessions, he bearing his own charges.

This Court allows to Capt. Thomas Hart five and thirtie shillings in pay as Speaker this sessions, and to Capt. Stent thirtie shillings in pay for his clerkship this sessions.

[468] Whereas there is part of the halfe pennie rate in money granted in May last yet unpaid, it is now ordered that the Treasurer doe order the severall constables to collect what is yet unpaid, and that the Treasurer doe receive the same, and dispose of it according to former order, and make himselfe debtor for the whole sum̃e, and pay the proportions forthwith to the Com̃ittees of Warre in the severall counties, and return his receits from them to the auditors the next year.

List of persons and estates exhibited in this Assembly:

	Estates. *lls.*	Persons.		Estates. *lls.*	Persons.
Hartford,	19533	305	Gilford,	09645	150
Newhaven,	18793	360	Norwich,	07455	120
Fairfield,	15775	153	Lyme,	07695	120
Newlondon,	14252	326	Wethersfield,	13553	239
Windzor,	15846	275	Midltown,	08072	180
Preston,	03522	070	Waterbury,	02261	052
Glassenbury,	03118	060	Stanford,	07543	110
Derby,	02756	056	Danbury,	02574	054

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Symsbury,	03282	093	Windham,	02459	062
Haddū, west side,	01862	043	Greenwich,	04339	064
Haddū, east side,	02559	054	Milford,	13119	150
Woodbury,	03807	080	Farmingtō,	08154: 10	124
Kilinsworth,	03210	060			
Wallingford,	06662	120	Totall of Stratford list is		
Saybrook,	07009	097		12639 08 3	
Branford,	05835	084	Added to Fairfield list,		
Stonington,	06957	135		389 10 6d	
Stratford,	12397	132	Totall Fairfield list is		
	241:17s:5.			16164 10 6	
Norwalk,	07053	094			

This Court doe order that the plantations of Lebanon, Mansfield, and Canterbury, and Plainfield, be listed as other townes and plantations in this Colonie are; and for performance of said worke doe appoint the select-men and constable or constables in each plantation forthwith upon receit hereof to demand and take the rateable estate reall and personall as the lawe directs in their respective plantations, and perfect said list with all convenient speed, and transmit the same to the Colonie Secretary to be inrolled in the publick records in order to be transmitted to the Treasurer, that thereby he may give forth his warrants for the levying their shares of the Colonie charge. And for a more certain rule of sizing of the lands in the respective plantations, that the select-men and constables aforesaid put such a vallue or estimation on their land as the lands in the next townes adioyning are vallued or sized at, viz. homelotts at twentie shillings pr acre, and other improvable lands at ten shillings pr acre.

Capt. Nathan Gold, who is appointed to be Judge of the Court of Assistants to be holden according to lawe in this present month of October, being absent upon publick businesse, and [469] it being || uncertain whether he will be present to attend the said Court at the day appointed by adiournment for holding the same: to prevent the falling of the said Court, it is ordered by this Assembly, that in the absence of the said Capt. Gold, any five of the Assistants appointed being present shall have full power to hold the said Court, the eldest present to preside, any lawe to the contrary notwithstanding.

This Court being informed by some of Symsbury of sundry

outrages that have been comitted by sundry of Suffield men in seizing some of Symsbury and Windzor men, and also carrying away of divers barrels of turpentine, and mowing grasse, and clearing and improving of land within the bounds of the towne of Symsbury which belongs to this Colonie of Connecticutt: therefore this Court doth order that any of the persons aforesaid, that hath or that shall for the future transgresse as aforesaid, shall be seized by warrant from authoritie if found within this goverment, and brought to or before the next authoritie, who shall take sufficient securitie for their or either of their appearance, at such court as shall be assigned them, to answer their uniust outrages, and irregular dealings.

This Assembly appoints the first Thursday in November next to be kept a publick day of thanksgiving throughout this Colonie. A bill for the day of thanksgiving was read and approved of in Court.

This Court doe not see cause to hear the petition presented by Capt. Allin Ball and John Potter jun^{r} of Newhaven east side farmes.

This Court upon the request of Captain Eleazar Stent doe give him libertie to lay downe his captains place in the town of Branford, and to lead the company there to a new choice of a captain. Alwayes provided that he is to hold his commission till another be chosen and comissioned.

Lieu^{t} Henerie Crane is appointed by this Assembly to be Captain of the trainband in the towne of Kilinsworth, and Ensign John Kelsie to be their Lieuteñant, and Serjeant Jn^{o} Hull to be their Ensign. And Robert Lattimer to be Ensign of the company on the west side of the river in Newlondon. And Lieu^{t} Sam^{ll} Hall is appointed to be Captain of the trainband in the town of Wallingford, and Serjeant John Merriman to be their Lieuteñant, and Serj^{t} Thomas Curtis to be their Ensign. And all the said officers are to be comissionated respectively.

Whereas there is great difficultie and trouble amongst the inhabitants of Lebanon through the unsetlednesse of their lands, and severall of the inhabitants have made their aplication to this Court for a setlment: this Court for some reasons deferr the hearing said case till the Generall Court to be holden in

Hartford in May next, and order that the publication of a copie of this order in a town meeting in Lebanon or at the head of the company on a training day in the said towne, shall be accepted in that case (as that which is intended in the lawe, title, [470 || Petition) for citation to such persons of said towne as may pretend they are concerned therein, the abovesaid application having been read at a publick town-meeting there.

The survey of the township of Preston by John Plumb and Josiah Standish, exhibited in this Court.

We whose names are underwritten being appointed by the Generall Court, as also desired by the inhabitants of the town of Preston to survey the bounds of said towne, have finished the said worke the day of the date hereof, and we find upon a survey of the same that the said inhabitants have not their seven mile square or equivalent to it, and we have added halfe a mile to the east side of the said township to compleat the said seven miles according to their grant: the bounds thereof are as followeth:—Beginning at the southwest corner by M^r^ Thomas Roses dwelling house now sett up, at a white oak tree marked P. and N. being Norwich southeast corner, thence east three miles and a quarter wanting twentie four rods, to a black oak tree standing on the west side of a hill markt P, thence north three miles wanting eight rods to a white oak tree called the ten miles tree, markt S. and P. thence east and by south nearest five miles and a halfe to a great chestnut tree standing on the north side of a hill, and to the southward of a small round swamp, markt on two sides and P, thence north almost eight miles, it wanting of the eight miles one quarter of a mile, to a rock on the side of a bare hill, which rock stands due east from a white oak tree markt P, and a heap of stones by it, being the old northeast corner of Preston towne, and from said rock west to Norwich northeast corner four miles and halfe to an oak tree with stones about it, thence ten miles south southwest, to the first bounds mentioned at M^r^ Thomas Roses. And that this is our return we signifie by our hands this 9^th^ day of October, 1703.

John Plumb,
Josiah Standish.

The above return of John Plumb and Josiah Standish is approved by this Assembly, provided it doth not preiudice any former grant.

This Assembly doth grant to the Rev^d^ M^r^ Thomas Buckingham of Saybrook, M^r^ Sam^ll^ Whiting of Windham, Capt. John

Clerk of Saybrook, Mr Thomas Leffingwell of Norwich, Mrs Martha Blake, Mr Thomas Buckingham junr, Mr Daniel Buckingham, and Abimeleck the sonne of Joshua, of Saybrook aforesaid, that they shall have a pattent for a certain tract of land lying and bounded as followeth, viz.—Easterly or northeasterly on Wallamantick River, or Shawtuckett, northerly on the land given by Joshua to severall gentlmen in and about Hartford; west or westerly partly on the land given by Joshua to several gentlmen in and about Saybrook, and partly on land sold by the Reverend Mr Thomas Buckingham and Capt. John Clerk aforesaid to Deacon Josiah Dewie and William Clerk both of Lebanon; south or southerly partly on the land aforesaid sold *sold* by the aforesaid Mr Thomas Buckingham and Capt. John Clerk to Josiah Dewie and William Clerk aforesaid, both of Lebanon, and partly on the land called Mr Fitches or Masons [471] mile, which said land lies near adioyning to the || townes of Windham or Lebanon aforesaid; which said pattent shall be given to the aforesaid persons according to their respective interests and properties in the said land, and signed by the Governr and Secretary in the name and behalfe of the Governr and Company, or the Generll Assembly of this her Majesties Colonie; and the said pattent shall be of full force and virtue to all intents and purposes in the lawe for the ensuring and sure making of all the said tract of land, and all the rights, priviledges, hereditaments and appurteñances thereuntc belonging, to the aforesaid persons, their heirs and assignes forever, according to their aforesaid respective proportions.

This Court grants full power to Elizabeth Holt, widdow and relict of Joseph Holt late of the towne of Wallingford decd and administratrix to his estate, to sell so much of the outlands belonging to the said estate as may be needfull for the payment of a debt due to Nathaniel Holt of Rhode Island for part of a homestid and part of a lot called the River lot, purchased of the said Nathanll Holt.

This Court grants full power to the administrators of the estate of William Clement late of Stanford deceased, to make sale of so much of the land of the deceased as may answer his just debts, with the advice of Lieut Waterbury and Deacon Samuel Hoyt.

Libertie and full power is by this Assembly granted to Mrs Marah Pemberton, widdow and administratrix of the estate of Mr Joseph Pemberton of Newlondon, with the advice of Richard Cristophers of the same place Esqr, to make sale of a dwelling house in the said town with the land thereto adioyning being parcell of the said estate, for the payment of debts due from the said estate at the decease of the said Joseph Pemberton, and the remainder of the produce of the said house and land to be divided one third part to the said widdowe during her naturall life, and the other two thirds to be disposed of according to lawe, to the children of the said Joseph Pemberton, by the court of probates for the countie of Newlondon.

Jonathan Cornwel of Midltown, administrator to the estate of his father Thomas Cornwell of said town deceased, making it to appear to this Assembly that he hath to the satisfaction of the court of probates in the countie of Hartford, as appears by a copie of the said court records attested by the clerk of the same, that he hath disposed of the moveables belonging to the said estate (as farre as they would reach) for payment of his fathers just debts, and that there yet remains debts to be paid out of said estate to the vallue of about twentie or thirtie pounds cash: this Court doth therefore impower the abovesaid administrator with the advice of Capt. John Hall and Serjt John Cornwel of Midltown aforesaid, uncles to the abovesaid administrator, to make sale of such lands belonging to said estate as may best be spared and will best attein the end for paying the said just debts.

Whereas Oliver Manwering of Newlondon hath petitioned this Court that Elizabeth Dennis formerly Raymund, widdow and relict of Joshua Raymund of Newlondon deceased, might be impowered to make and execute a deed of sale to him the said Oliver Manwering, his heirs and assignes, of certain par- [472] cells || of land mentioned in a deed of sale already given by the said Dennis alias Raymund to said Manwering, bearing date the eleventh day of December, 1678, all which parcells of land were purchased by the said Manwering of the said Joshua Raymund, who died before the said Manwering had of him a deed of the same. And whereas it is said in the said petition

that the said Dennis alias Raymund was not impowered by this Court to passe the aforesaid deed, (as the lawe requires:) to supply that defect, this Court doth hereby fully authorize and impower the said Elizabeth Dennis to make and execute a deed of sale of the same teñour with the forementioned of the lands therein mentioned, to the said Manwering according to his petition, which shall to the said Manwering be a good title to the said lands, to all intents and purposes in the law whatsoever.

Whereas Owaneco in consideration of kindnesse shown to him by John Plumb and Jonathā Hill of Newlondon, in saving his life when in eminent danger of drowning, did give and grant to them two hundred acres of woodland, and caused the same to be laid out to them by a surveyor, about a mile or two west northerly of the antient Indian fence: this Court upon the motion of the said John Plumb and Jonath. Hill, doth confirme the said 200 acres of land to the said John Plumb and Jonathan Hill and to theirs forever; provided Owaneco hath good right to said land, and it be not preiudiciall to any former grant.

Whereas John Jefferie, a Branford Indian, was coñitted to Hartford gaol by order of the countie court holden at Newhaven the third Tuesday in March, 1703, also was brought before a Court of Assistants holden at Hartford by adiournment May 24, 1704, the said Jefferie being accused of crimes of a high nature, said Court ordered him to be kept under bonds for his good behaviour, and to pay all charges that have been expended upon him in his apprehension and imprisonment: now for the defraying of which charges this Court grants liberty to William Malbie of Branford to purchase so much land of Jefferie, father to the abovesaid John Jefferie, as may discharge the same, not exceeding four acres, for payment of which charges Jefferie the father stood bound, as may appear by his bond of fiftie pounds lawfull money of Newengland, bearing date June 19, 1704. Always provided, if the towne of Branford shall see cause within two months after the date hereof to repay said Malbie the prime costs of said land with all his just charges expended about the premises, then the towne to enioy the same, otherwise to be and remain to be the proper estate of said Malbie.

William Goodwin making his application to this Court for their direction what way to take out an execution against Capt. Joseph Whiting, in the case put into the hands of M^r^ Stanly, M^r^ Woodbridge, and M^r^ Watson: this Court order that said Goodwin with Samuel Steel, late constables of Hartford, shall return to the same station as they were in when the Generall [473] Court took it out of the lawe and put it into || the hands of those gentlmen when the Court gave them the case.

Capt. John Prents is appointed Surveyor for the Countie of Newlondon and to be confirmed according to lawe.

This Court upon the request of Capt. Joseph Wadsworth doe remit a fine of ten pounds laid upon him by the Generall Court in October last, he having made reflexions upon himselfe.

[War, III, 64.]

ATT A COUNCILL HOLDEN AT NEWLONDON, DECEMBER THE 13^th^, 1704.

Present:

The Govern^rs^ Hon^r^.

Capt. Daniel Wetherel,	William Pitkin Esq^r^,
Capt. Nathan Gold,	Josiah Rossiter Esq^r^.

This Councill was convened in pursuance of an act of the Gen^rll^ Assembly holden at Newhaven in October last, enabling the Govern^r^ or Deputy Govern^r^, with one Assistant from each countie convened, to raise men for the relief of the countie of Hampshire, and to pursue the enemy into the wildernesse, and to doe the same for our own frontiers.

The Govern^rs^ Hon^r^ having appointed and impowered Capt. Nathan Gold, William Pitkin Esq^r^, Maj^r^ William Whiting and M^r^ John Eliot, to treat with Colon^ll^ Nathaniel Byfield, Maj^r^ James Converse, and Samuel Lynde, Esq^rs^, concerning such affairs relating to the present warr which the said gentlmen are directed by his Excellency Govern^r^ Dudly to lay before his Hon^r^ and Councill.

Ordered by his Hon^r^ and Councill that the gent[le]men appointed to treat with Colon^ll^ Byfield and the other gentlmen of the Massachusetts doe offer to them that 150 effective men shall be raised in this colonie, for the defence of the countie of Hampshire, to be posted in the townes of Hatfield, Hadly, Northampton, and Westfield, provided that they be subsisted by the province of the Massachusetts.

The Govern^r^ and Councill referre the consideration of the state of the frontiers to the respective comittees of warre in the severall counties, to raise and send men for their assistants and relief as need shall require.

Ordered by his Hon^r and Councill, upon further consideration, that two hundred souldiers be raised in this colonie, with all expedition, by proportion out of the trainbands in the severall townes of each countie, the frontier townes of Farmington, Waterbury, Woodbury, Danbury, Mansfield, Windham, Canterbury, Plainfield, and Colchester, onely excepted. The quota for the countie of Hartford to be sixtie men, for Newhaven countie fiftie men, for Newlondon countie fortie eight men, for Fairfield fortie two men,—the general rendevous for the souldiers to be at Hartford, there to be divided into three companies, Capt. Fowler to be captain and Lieu^t Munson to be lieuteñant of one company, provided if Captain Fowler shall refuse, then Cap^t Eels to supply his place, and Cap^t Jeremiah Fitch to be captain of another company, Joseph Wakeman to be his lieuteñant, Cap^t Mathew Allin or Cap^t Newbury to be cap^t of one of the said companies, and Lieu^t David Goodrich to be the lieuteñant of the same company. And it is ordered, that if any of the officers before named shall fail, the place or places vacant shall be supplied by such as the comittees of warre in the respective counties shall appoint. The souldiers in the countie of Newhaven eastward of Newhaven ferry river to march directly to Hartford, and the souldiers in the countie of Newlondon to attend the same order in their march.

Ordered &c. that the comittee of warr in the countie of Hartford shall have full power to call home the souldiers to be posted (as abovesaid) in the countie of Hampshire, as there shall be occasion for it, having advice from y^e Govern^r so to doè.

18. The Govern^r and Councill order the comittees of warr in the severall counties to take effectuall care that such a number of snowshoes and Indian shoes be provided in the severall townes of their respective counties as by the act of the Generall Assembly in October last is required, and that where the said order respecting snowshoes and Indian shoes hath not been attended by any of the select men in their respective counties, the penaltie thereof be duely executed upon the delinquents.

A true copie,

Test. Eleazar Kimberly, Secry.

A letter drawn in answer to Nicholas Hallams memoriall laid before the Lords Comissioners of Trade, in the behalfe of Owaneco, was read and approved in councel and ordered to be sent to the agent. Ordered also that such copies of record and other evidences as are requisite in that matter be transcribed and inrolled under the seal of the colonie to be transmitted to our agent. The Council leaves it with the Govern^rs Hon^r to write a letter to the Secretary of State in answer to her Majesties letter signifying that complaint is made against this colonie for refusing to assist the Massachusetts in this time of warr.

Test. E. Kimberly, Secry.

ATT A GENERALL ASSEMBLY HOLDEN ATT HARTFORD, MAY 10th, 1705, END. THE 22 DAY.

Majr Genrll Fitz John Winthrop Esqr, was chosen Governr and sworn.

Colonll Robert Treat Esqr, was Deputy Governr and sworn.

Assistants chosen were:

Majr James Fitch,	Joseph Curtis Esqr,
Capt. Daniel Wetherel,	Majr John Chester,
Nathanll Stanly Esqr,	Josiah Rossiter Esqr,
Capt. John Hamlin,	Richard Cristophers Esqr,
Capt. Nathan Gold,	Peter Burr Esqr,
Wilł Pitkin Esqr,	John Alling Esqr.

Att this Assembly present:

Majr Genrll John Winthrop Esqr, Governr.
Col. Robt Treat Esqr, Dep. Governr.

Assistants present and sworn are:

Capt. Daniel Wetherel,	Majr John Chester,
Nathanll Stanly Esqr,	Josiah Rossiter Esqr,
Capt. Jno Hamlin,	Richard Cristophers Esqr,
Capt. Nathan Gold,	Peter Burr Esqr,
William Pitkin Esqr,	John Allin Esqr,

Capt. Joseph [Wh]iting chosen Treasurer.
E. Kimberly, Secry.

Deputies present at this Assembly:

For Hartford, Capt. Cyprian Nichols.
For Newhaven, Mr Jeremh Osborn, Mr Joseph Moss.
For Windzor, Mr John Eliot,* Capt. Mathew Allin.
For Wethersfield, Capt. Robert Wells, Capt. Thomas Wells.
For Newlondō, Mr Andrew Lester, Mr Robt Lattimer.
For Fairfield, Lieut Joseph Wakeman.
For Farmingtō, Capt. Thomas Hart, Lieut John Hart.
For Stratford, Mr Ambros Thomson, Mr Ben. Curtis.
For Milford, Capt. Samll Eels, Mr Zechariah Baldwin.
For Midlton, Capt. Nathanll White, Capt. John Hall.
For Gilford, Lieut John Seward, Mr James Hooker.
For Lyme, Capt. Wilł Ely, Ens. Joseph Peck.

* Speaker.

For Branford, M^r^ William Malbie, Capt. Eleazar Stent.*
For Wallingford, Capt. Sam^ll^ Hall, Lieu^t^ Jn^o^ Meriman.
For Saybrook, M^r^ Nathan^ll^ Lynde, M^r^ Nathan^ll^ Chapman.
For Glassenbury, Lieu^t^ Sam^ll^ Hale, Serj^t^ Jn^o^ Hubburd.
For Norwich, Capt. Richard Bushnel, Lieu^t^ Solomō Tracy.
[474] For Haddum, M^r^ Dan^ll^ Brainard, Capt. Jn^o^ Chapman.
For Kilinsworth, M^r^ Jn^o^ Crane, M^r^ Rob^t^ Lane.
For Lebanon, M^r^ Will^t^ Clark.
For Waterbury, Ens. Thomas Jud, M^r^ Steph. Vpson.
For Windham, Lieu^t^ Jonath. Crane.
For Symsbury, Capt. Jn^o^ Higly, Serj^t^ Nathan^ll^ Holcomb.
For Danbury, M^r^ Josiah Starr.
For Preston, M^r^ Thomas Tracy.
For Norwalk, M^r^ John Beldin, M^r^ Joseph Platt.
For Stonington, M^r^ Nehem^h^ Palmer, M^r^ Manassah Minor.
For Stanford, Capt. Jonath. Sellick, Lieu^t^ David Waterbury.

William Pitkin Esq^r^ is by this Assembly appointed Judge of the Countie Court and Court of Probates in the Countie of Hartford.

John Alling Esq^r^ is appointed by this Assembly to be Judge of the Countie Court and Court of Probates in the Countie of Newhaven.

Capt. Dan^ll^ Wetherel is by this Assembly appointed Judge of the Countie Court and Court of Probates in the Countie of Newlondon.

Capt. Nathan Gold is by this Assembly appointed Judge of the Countie Court and Court of Probates in the Countie of Fairfield.

Justices appointed in the Countie of Hartford are:

Of the Peace and Quorū:

John Hains Esq^r^,	Capt. Rob^t^ Wells,
M^r^ Richard Lord,	Capt. Tho. Hart,
M^r^ John Eliot,	Capt. John Higly.

Of the Peace:

M^r^ John Hooker,	Capt. Natli. White,
Capt. Mathew Allin,	Capt. John Chapman,
Lieu^t^ Joseph Tallcott,	M^r^ Dan^ll^ Brainard,
Lieu^t^ James Treat,	M^r^ Joshua Riply,
Eleaz^r^ Kimberly,	Ens. Tho. Jud.

* Clerk.

Justices appointed in the Countie of Newhaven are:

Of y^e Peace and Quorū:	*Of the Peace:*
M^r Jeremiah Osborn,	Capt. Abrahā Fowler,
Capt. Nathan Andrews,	Capt. Thomas Yale,
M^r Thomas Clark,	M^r John Hall.
Capt. Sam^ll Eels,	
M^r William Malbie,	
Capt. Eleaz^r Stent,	
Maj^r Ebenez^r Johnson.	

Justices appointed in the Countie of Fairfield are:

Of the Peace and Quorū:

Capt. John Wakeman.	Capt. John Minor,
Capt. James Judson,	Capt. James Olmstid,
Capt. Jonath. Sellick.	Capt. Mathew Sherwood.

[475] *Of the Peace:*

Lieu^t David Waterbury,	M^r John Sherman,
Lieu^t Sam^ll Peck,	Lieu^t James Beebe.
M^r Ebenez^r Meed.	

Justices appointed in the Countie of Newlondon are:

Of the Peace and Quorū:	*Of the Peace:*
M^r Nehemiah Smith,	M^r Ephraim Minor,
Capt. William Ely,	M^r Jonath. Tracy,
Capt. Richard Bushnel,	M^r Sam^ll Buel,
M^r Nehem^h Palmer,	For Colchester,
M^r Nathan^ll Lynde,	M^r Michael Tainter.
M^r Daniel Tayler.	

Acts passed in this Assembly.

An Act for the better enabling of townes, villages, trustees for schools and perticular persons proprietors in cōmon and undivided lands to maintain, recover, and defend their grants, lands, interests, and estates.

Be it enacted by the Governour, Councill and Representatives in Generall Court assembled, and by the authoritie of the same: That it shall and may be lawfull for all and every the said persons, townes, villages, precincts, trustees for schools, and proprietors in cōmon and undivided lands, grants, and other estates and interest whatsoever, to sue, commence and prosecute any suits or actions, for the maintaining, recoverie

and defence of their said grants, interests and estates, in any court proper to try the same, either by themselves or their atturnies, or by their agents or atturnies to be appointed by such as have in them the major part of the interest, and in like mañer to defend all such suits and actions as shall be comenced against them or any of them.

And when any towne, village, precinct, or proprietors aforesaid, shall be sued, it shall be sufficient notice to them to appear and answer, to leave a writt or sumons with their clerk, or other principall inhabitant or proprietor (briefly declaring the case) sixe dayes before the sitting of the court where the case is to be heard, as in other actions is provided. Alwayes provided that sequestred lands and towne comons is herein excepted.

An Act to prevent Trespasses.

It is ordered and enacted by this Assembly: That when in an action of trespasse brought before an Assistant or justice of the peace the defendant shall justifie and demurre upon plea of title, a record shall be made thereof and the matter of fact be taken pro confesso, and the partie making such plea shall become bound with one or more sureties by way of recognizance unto the adverse partie in a reasonable sume not exceeding twentie pounds, on condition that he shall pursue his plea, and bring forward a suit for a triall of his title, at the next inferior court of comon pleas to be holden for the countie in which such trespasse is alledged to be done, and pay and satisfie all damages and costs as by the said court shall be awarded against him; which recognizance the justice is hereby impowered to require and take, and shall be paid for the same by the reconnusor two shillings, and one shilling for recording his plea, and at the charge also of the same partie shall certifie the processe and record of such plea together with the recognizance unto the said inferior court of comon pleas; and if such reconnusor shall neglect to bring forward such suit at the inferior court according to the [476] tenour of his recognizance || a scire facias shall be issued out of the clerks office of the same court, for the recoverye of the sume or penaltie in the recognizance mentioned of him, his suretie or sureties; or if upon triall before the said court he

shall not make out a title to the land or tenement on which the trespasse is laid to be done, paramount to the possession or other title of the adverse partie, judgment shall be rendred for the partie trespassed upon for treble damage and cost of suit; but if the defendant in trespasse justifying upon plea of title shall refuse or neglect to become bound in manner as aforesaid, then his plea shall abate, and the justice notwithstanding the same shall proceed to try the cause, and upon due proof of the trespasse committed by him, shall award damages against him according to what shall be made out, and cost of suit.

Act concerning Formes of Writts.

Whereas there be divers cases cognizable by the common lawe for which the printed formes sett forth in our lawes will not serve: Be it enacted and ordeined by this Assembly: That it shall be lawfull for any person within this Colonie, as often as occasion shall require, to make use of other formes then what are already printed as aforesaid, so that the substance of the action be conteined in the writt according to lawe.

Ordered and enacted by this Assembly: That all book-debts shall be recoverable at any time, provided the originall debtor be living, any lawe or custome to the contrary notwithstanding.

And it is enacted by the authoritie aforesaid, That all actions of book-debts brought before any Assistant, Justice, or court in this Colonie, if the said Assistant, Justice, or court shall see meet to give any person or persons an oath to the truth of their account, said accounts shall then be sufficient evidence in lawe to recover the debt; and where any fair accounts of any deceased person shall be accepted by any court or justice where the action is cognizable, said accounts shall be also accounted sufficient evidence to recover the debt sued for.

It is ordered and enacted by this Court: That the listers in each town in this Colonie themselves or one of them some time in July, annually, shall warn all the inhabitants proper to be listed in their townes, or leave notice at their houses or places of usuall abode, to give in their lists. And the said inhabitants being so warned, shall give in to the listers in writing, a true account of all their rateable estate, perticularly mentioning therein all such things as are in the lawe expressly vallued, at

or before the the twentieth day of August following, signed with their names or markes; which accounts the said listers shall accept, adding according to the best of their judgments for all things mentioned in the lawe to be listed that are not perticularly vallued, and make the whole into one generall list, and also further adde to the said list all such estate as any person or persons shall desire them to add to his or their lists any time after the time above limited for giving in lists untill the first day of October following, and take due care that it be [477] transmitted to the || Generall Court according to the directions in such case for the inspectors in the printed lawe. And it shall be the duty of the listers carefully to inspect the said lists after they are returned from the Generall Court, and till the last day of December following, to add four fold to the perticular lists of the said inhabitants for all such rateable estate as they shall find left out of the said lists by any of the said inhabitants, although it be sold or by any means conveyed away to escape the list, and all such creatures as shall be left out of the list and after killed; and also add to the list fourfold for the whole rateable estate of such as have given in no list, as a penaltie upon the said inhabitants for their neglect, who shall pay rates for the same accordingly; and three fourths of all sumes arising upon such additions shall (by the constables and other collectors of rates that shall be made upon such lists) be paid to the said listers as a reward for their trouble, and the other fourth to be to the uses for which such rates are made; and the listers shall transmitt an account of the totall sume they shall so add to the Generall Court in May yearly, by the deputies of their severall townes, and the Secretary shall enter the same as an addition tothe sume totall of the severall townes from whence they are sent, and give an account thereof to the Colonie Treasurer, who shall be accountable for the rates arising thereon as for the rest of the rates, any lawe, usage or custome to the contrary notwithstanding. And the lawe, title In addition to the lawe title Rates, is hereby repealed.

It is ordered and enacted by this Assembly as an addition to an act respecting cattel in the constables hands, that if the creditor doe receive said cattel, then the constable and debtor shall appoint men to apprize such cattel.

And it is further enacted by the authoritie aforesaid: That the constables in the severall townes who have received or shall receive cattel for the countrie rate, shall tender them to such persons in said townes as the Colonie is indebted to, to be valued as the lawe directs, or sell them for the same price they take them at for present pay, and make payment thereof to the aforesaid creditors; and such cattel as the creditor will not take of the constables, nor cannot be sold by the constables as aforesaid, shall by them be branded on the horn with the letter or figure of the town brand in which they are taken (a brand to be made for that end upon the publick charge) and be turned into the woods by the said constables under their care, till they be hereafter disposed of by the treasurer for the paym^{t} of the countrie debts.

Act setting forth the duty of Capt^{ns} appointed to impresse souldiers, &c.

It is ordered and enacted by this Assembly: That the captains or other officers com̃anded to list or impresse souldiers for her Majesties service against the com̃on enemy, shall give an account of the names of all such souldiers as they shall list or impresse, and the time when, and also what armes, ammunition or other things are impressed or taken up upon the Colonies account for each of them, unto the captains or other [478] || chief com̃anders appointed to lead them forth; and the Colonie shall not be obliged to pay any charge arising upon the account of such souldiers while they are under the care and com̃and of such officers, except such as the captain or other chief com̃ander of each perticular company of such souldiers shall give order for; and the said officers when they are dismist, shall give a bill to each souldier under their com̃and when they are disbanded for what is remaining due to him, which bill shall be sufficient securitie to them, or any that shall accept thereof, for the payment of the money, and be accepted by the constables and the Colonie treasurer as legally signed. And the severall officers in the capacities above mentioned shall be lyable to pay all such dam̃ages as shall arise by their neglect in any of the respects abovementioned, any lawe, usage or custome to the contrary notwithstanding, and the lawes concerning Com̃issaries are hereby repealed.

An Act to prevent the stopping or turning of Water-courses.

It being found very preiudiciall to many townes and perticular persons, the damm̃ing of rivers, brooks or streams, and turning of water-courses or streams out of their naturall and originall courses,—for the prevention thereof:—It is enacted by this Assembly and the authoritie thereof: That no person within this Colonie shall after the publication hereof stop, dam̃ or obstruct, any river, brook or stream, or shall turn any brook, stream or runn of water out of its naturall and originall course, without libertie from the town in whose bounds the said brook, river, or stream shall be; and if any person doe dam̃, stop or obstruct any river, brook or stream as aforesaid, without such libertie first obteined, it shall be deemed a com̃on nusance and removed accordingly, by such person or persons by whose procurement it was dam̃ed, stopt or hindred, upon penaltie of forfeiting five shillings for every week such nusance shall remain after due warning given to such person causing the same.

Provided nothing is here meant or intended concerning any dam̃ for any mill or other use already made.

Councill stated.

It is ordered and enacted by this Court: That the Councill in the intervale of the Generall Assembly untill October next shall consist of seven or not lesse then five, viz. the Governour or Deputy Governour and two Assistants at the least, with M^r^ Nehemiah Smith, M^r^ Nehemiah Palmer, Capt. Richard Bushnell, and Capt. William Eely, or in the absence of them such other judicious freemen as the Governour or Deputy Governour shall call in; who shall have power in the intervale of the Generall Assembly to mannage the affairs of this Colonie according to charter, they not to raise men to send out of the Colonie (unlesse in case of exigence) nor dispose of money. Alwayes provided that in extraordinarie cases the Governour or Deputy Governour may call the Councill of Assistants, or as many as can be convened.

Ordered and enacted by this Assembly: That the Assistants [479] for ‖ the future shall be allowed five shillings in money p day, or seven shillings and sixe pence in pay, for their attend-

ance at the Generall Court and Court of Assistants, and the same p^r^ day for their travail out and home for so many dayes as by lawe is allowed for Deputies; and they shall have their five shillings p^r^ day for their attendance at the Courts of Assistants out of the fees appointed by lawe for triall of actions at said Court, if that be sufficient, and what the fees fall short shall be made up out of the countrie rate by the treasurers order, account thereof being given to him by the Secretary, and if there be any thing remaining of the said fees after the Assistants have their dues as above, the Secretary shall give an account thereof to the Colonie treasurer.

This Assembly doth allow to the Treasurer fiftie pounds in pay for his sallerie this year, and thirtie sixe pounds in pay fo[r] riding the circuit to make up the Colonies accounts with the constables this year.

This Court allows Maj^r^ Ebenez^r^ Johnson deputies wages for sixe dayes attendance at this Court, and to Capt. Joseph Wadsworth deputies wages for two dayes attendance, and to Hartford constables three shillings and sixe pence p^r^ day for their attendance upon the Lower House this Court.

M^r^ Richard Cristophers, Maj^r^ John Chester, M^r^ William Malbie, Capt. Jonath. Sellick, and M^r^ John Hart, or any four of them, are appointed Auditors of the Colonie accounts with the Treasurer, and to make return to the Gen^rll^ Court in October next; and if M^r^ Cristophers be absent, M^r^ Osborn is to supply his place; the auditt to be holdē at Newhaven this year.

Whereas the Committee of Warre in the Countie of Hartford did some time on or about the first day of January last past order that four hundred of effective men should be raised in the Countie of Hartford to be in readinesse upon any sudden exigence, and for their incouragem^t^ should have twelve shillings p^r^ week, they furnishing of themselves with armes, amunition, snow-shoes and Indian shoes, and other necessaries: this Court see reason to order that the souldiers raised shall be exempted from being called out to train under their respective officers this present sumer, and that they be under the comand of the officers comissionated to lead them forth on any occasion against the comon enemy.

Majr William Whiting is by this Assembly appointed Major of the severall companies in the countie of Hartford, and to be comissionated accordingly.

Lieut Nathaniel Chesborough is by this Assembly appointed Captain of the trainband in the towne of Stonington, Ens. William Denison to be their Lieuteñant and Serjt William Gallop to be their Ensign.

Mr Samuel Avery is appointed by this Assembly to be Ensign of the trainband on the east side of the river in the township of Newlondon.

Lieut Samuel Willard is by this Assembly appointed Captain of the trainband in the town of Saybrook.

Ensign John Beldin is by this Assembly appointed Lieutenant of the trainband in the towne of Norwalke. The choice of their Ensign is suspended.

Capt. John Wakeman is appointed to be Captain of a company at the east end of Fairfield, Lieut Joseph Wakeman to be their Lieuteñant, Serjant Samll Squire to be their Ensign.

[480] Captain John Osborn is by this Assembly appointed to be Captain of the company at the west end of Fairfield, John Barloe to be their Lieut, and Theophilus Hull to be their Ensign.

Ens. Samll Stiles is by this Assembly appointed Lieut of the trainband in the towne of Woodbury, and John Mitchel to be their Ensign.

Ensign James Wells is by this Assembly appointed Lieut of the trainband in Haddum, and Serjt James Brainard to be their Ensign.

All the aforesaid officers are comissionated according to order of the Generall Assembly, except Lieut Joseph Wakemā, who would not accept of the Lieuteñant place.

Articles of agreement between the inhabitants of the towne of Greenwich on the east side of Myanos River and the inhabitants of said towne of the west side of the said river, exhibited in this Assembly.

1. That from the date of these there be libertie of calling, incouraging, and setling the ministrie of the gospel according to the way of the Colonie of Connecticutt, in two societies, on the west side as well as on the east side of Myanos River.

2. That for the incouragement of the ministers on either side of said river, there be a rate raised annually by the yearly list of the towne of Greenwich, of which the one halfe to be collected for the minister on the east side, and the other halfe to be collected for the west side of Myanos River.

3. That all publick charges concerning the ministers be equall according to the publick list.

4. That thirtie acres of land at Horsneck be sequestred to be continually for the use of the ministrie, according to the way of said Connecticutt Colonie, at Horseneck in the lieu of Grimes's land, comonly so called, which belongs perpetually to the use of the ministrie on the east side of Myanos River, or Greenwich old towne.

5. That the halfe of the ordinary yearly sallery for the ministrie in Greenwich be collected in a proportion according to the publick list of the towne, for the minister residing at either place (whether Horseneck or Greenwich old towne) provided the other place be destitute of a minister.

6. That it be at the libertie of each societie to make choice of their respective minister.

7. That the severall parcells of land on the east side of Myanos River made choice of by M^{r} Bowers and entred upon the town records, be absolutely given to the minister on the s^{d} east side, provided he be ordeined, or dye in the place of his improvement in Greenwich; and that upon the same provisoes, the lands on the west side of said river offered unto but not accepted of by said M^{r} Bowers be absolutely given and confirmed to the minister on the said west side.

8. That whatever right in comon lands in Greenwich M^{r} Bowers hath granted or may have granted him, as large and [481] full a right in said comon lands be ‖ granted to the minister at Horsneck.

9. And finally, that it is the desire and agreement of the inhabitants both on the east side and also on the west side Myanos River, that all the above articles be obliging to themselves and their heirs also after them.

Att a town-meeting regularly warned in Greenwich, March 5th, 170$\frac{4}{5}$, all the above articles and premises were published unto and voted by the towne by a full vote nemine contradicente, as also by the vote of the towne the subscribing comitting of sixe inhabitants of said Greenwich were appointed and ordered in the name of the towne to subscribe in cōfirmation of all and every the above articles.*

* The petition of the townsmen of Greenwich, Jonathan Renals, Robert Lockwood, Benjamin Meade, Caleb Knap, James Renelds, that the foregoing articles might be confirmed as the most effectual means to extinguish controversy, is in Eccl. I, 166.

Inhabitants on the west side Myanos River subscribing:

Ebenezer Meed, Timothie Knap.
Joshua Knap,

Inhabitants on the east side of Myanos River subscribing:

Samuel Peck, Robert Lockwood.
Jonath. Renalls,

Subscribed in presence of us,

Jonath. Sellick sen^{r}, Sam^{ll} Hoyt sen^{r},
John Davenport, David Waterbury.

This Assembly doth allowe of and confirme the agreement of the inhabitants of the towne of Greenwich bearing date March 5th, 170$\frac{4}{5}$, for dividing themselves into two societies for their greater convenience of attending the publick worship of God, and also of the wayes and methods by them agreed upon and consented to for the maintenance of the respective ministers of the said societies, and their grants and sequestration of lands for the accomodation and maintenance of their ministers, together with all other articles conteined in the said agreement referring thereunto, and doe order that the said articles shall be recorded in the publick records of the Colonie in perpetuam rei memoriam, and that all and every the said articles shall be obliging to those that are the present inhabitants of the said towne, and to theirs after them, according to their true intent and meaning.

Complaint being made in this Assembly by John Smith in the behalfe of the inhabitants of Plainfield, that wrong is done to their towne by the late survey of the towne of Preston made by John Plumb, which (as they say) was done without giving notice thereof to them: this Assembly doth therefore appoint and impower M^{r} Caleb Stanly, surveyor, to goe to Plainfield and Preston, and notice thereof being first given by him to both townes, to take a review of the said survey, and to make report thereupon to the Generall Assembly in October next. The charge of the review to be paid as the Generall Assembly shall then order, provided the Colonie be not at any charge.

Libertie is granted to the inhabitants of the towne of Greenwich dwelling on the west side of Myanos River to imbody themselves into church estate with the approbation of neighbour churches.

This Assembly doth approve of, rattifie and confirme the method agreed upon by the inhabitants of Canterbury for levying of rates for the defraying of their towne charges, as hath been presented under the hand of their town clerk, bearing date May 1, 1705; and whereas they request for enlargement of their towne bounds northward about two or three miles to a place called Capt. Blackwells farme, the said enlargement [482] they doe referre untill the Generall || Court in October next, they giving all persons concerned seasonable notice, as also that it may not hinder another township.

Whereas the inhabitants of Newlondon on the east side of the river have desired that the lands on that side the river may [be] a distinct township on certain termes agreed upon between them and the inhabitants of said towne on the west side, which termes are as followeth: First, that the ferry and the land and house belonging to it shall be and remain for the benefitt of a free-school in the town on the west side of the river. 2^{ly}, That the inhabitants of the east side pay their part of the town debts that are now due. 3^{ly}, That the inhabitants on the west side who have proprietie in lands on the east doe still hold their right in the comon land on the east side in proportion with the inhabitants on the east side; the same rule to be attended for such inhabitants on the east side who have propriety in lands on the west side. 4^{thly}. That the pine swamp on the east side where they usually get masts may continue for the benefitt of the inhabitants on both sides the river as formerly. 5^{tly}. That all estate given to ministrie of Newlondon or to a free-school there, shall be and remain wholy to the use of the ministrie and maintenance of a free-school in the town on the west side of the river.

This Assembly upon the application of the inhabitants of the said towne, doe approve of and confirme the said agreement,

* The petition of the town represents that it was not firstly their seeking or desire to be a town separate from Plainfield, but they were over persuaded, as also advised by Rev. Mr. Noyes, Mr. Saltonstall and Mr. Treat to yield to the desires and offers of their neighbors on the east side of the river. The town desires that an agreement to raise their public charges partly on lands unimproved until the meeting house and ministers house be built may be confirmed. They also desire the extension of their town bounds northward, which they say had been granted by the lower house at two several sessions, but stopped in the upper house. Eccl. I, 165.

and doe hereby enact and declare that the lands in the township of Newlondon shall be divided into two townships, the lands on the west side of the river in the said township to be one distinct township to be called by the name of Newlondon, and the lands on the east side of the said river to be a distinct township to be called by the name of Groton; and that the said townes shall enioy all such priviledges and imunities as are generally granted to all or to any townes in this Colonie; and doe order and enact that whatsoever estate reall or personall, and whatsoever priviledges are by the said articles or any of them excepted and reserved to either partie shall forever be and remain to those uses for which the same is excepted and reserved according to the true import and intent of the said articles and every of them. Always provided that the inhabitants on the east side of the said river in the township of Groton doe not hereby claim a priviledge of being exempted from paying countrie rates. And it is further provided and to be understood that this act shall not be understood or interpreted to the preiudice or infringement of any rights or priviledges granted by the towne of Newlondon to John Winthrop Esq^{r} our late Governour or his heirs with the said township of Newlondon as formerly bounded, but the said grants shall be of the same force, effect and virtue as if this act had never been.

And it is enacted by this Assembly that the brand for horses in the town of Groton shall be this following figure, viz.

Whereas it appears to this Court that the freemans oath hath by Maj^{r} Johnson been administred to John Durand, Henerie Wooster, William Washborn, John Johnson, Adino Strong, of the town of Derby, without their having certificate from the selectmen of the said towne as the lawe requires, and it not appearing to this Court that the said persons are qualified according to lawe: this Court doe now order that the said persons shall not have libertie to vote or act as freemen of this Colonie [483] || untill they produce a certificate from the select-men of their town as the lawe requires, or make it appear to the Countie Court of Newhaven that they are qualified according to lawe; and when that is done by them, they shall be admitted to be freemen without their taking the freemans oath anew;

and they are hereby freed from any punishment to be inflicted on them for their late voting at the freemans meeting in their towne.

This Court grants libertie to Mrs Sarah Bull, administratrix to the estate of Major Jonath. Bull deceased, to make sale of a small parcel of land in Hartford not exceeding fifteen foot in breadth and fiftie foot in length, for the accomodation of the making some inlargement to the south meeting house in said towne; and said Mrs Bull to take the advice of Majr William Whiting in the disposall of the piece of land aforesaid.

This Court grants full power to Jonathan Husted of Greenwich and John Pettit of Stanford, administrators to the estate of Jabez Sherwood deceased, of said town of Greenwich, to dispose of a parcell of land in said towne to Joseph Palmer of Greenwich aforesaid, which land said Jabez Sherwood bought of the said Palmer, and died before he had paid for it, there not being moveable estate sufficient to pay the purchase of said land. The said administrators are by this Court impowered to give to the said Palmer a legall title thereunto.

This Court grants full power to Mr Oliver Manwering, administrator on the estate of Benjamin Waterhouse late of Newlondon deceased, with the advice of Benjamin Hackly of the same towne, to sell so much of the lands of the said Beniamin Waterhouse as may be needfull for the payment of his just debts; alwayes provided that the relations of the said Waterhouse are to have the first offer of it.

Capt. Mathew Allin, Mr Samuel Allin, and Capt. John Higly, or any two of them agreeing, are by this Court fully impowered to sell so much of the land of Capt. Thomas Allin, late of the towne of Windzor deceased, as may be needfull for payment of his just debts.

This Court grants full power to Thomas Scrivener, administra[tor] to the estate of Benjamin Scrivener late of the towne of Norwalk, to sell so much of the lands of the said Benjamin Scrivener a[s] may be needfull for the payment of his debts, beyond what there is moveables to pay with.

Mr William Southmaid late of the towne of Midltowne decd having in his life time made exchange of one fift part of the

house and homestid which was Colon[ll] John Allins (which said William Southmaid had in right of his wife) to Capt. Aron Cook of the town of Hartford for other lands, and instruments of conveyance not being made in the life time of said M[r] Southmaid, this Court impowers M[rs] Margaret Southmaid, relict of the said M[r] Southmaid and administratrix to his estate, to give and recieve deeds of conveyance for the perfecting of the said exchange with the said Capt. Cook.

This Court grants full power to Captain John Clark of the town of Saybrook, administrator to the estate of Abimeleck the sonne of Joshua Sachim dec[d], to sell so much of the lands of the said Abimeleck as may be needfull for the payment of the just debts of the said estate, and no more.

This Court grants full power to Thomas Bacon administrator to y[e] estate of Francis Williams late of Symsbury dec[d], to sell so much of the said Williams his land as may be needfull for the payment of the just debts of the said estate, acting therein with the advice of the Prerogative Court in the Countie of Hartford.

[484] Whereas severall of the inhabitants and proprietors of land in the towne of Lebanon in this Colonie, have made their application to this Court complaining and setting forth sundry difficulties and inconveniencies that they are labouring under respecting their purchasing a tract of land in the said towne of Lebanon of five miles square of Owaneco Indian sachem of Mohegan and of Capt. Sam[ll] Mason, Capt. Benjamin Bruster, Capt. John Stanton, and M[r] John Burchard, and the surveying and laying out of the same, and concerning the deeds and conveyances thereof made to them, and the dividing and securing to and amongst the said proprietors of the said tract of land, their just and respective shares and proportions thereof, and their right in the same, and praying to this Court for relief,—for redresse thereof:

This Court doe allowe, approve and confirme one certain deed or conveyance made of the said tract of five miles square of land lying and being in Lebanon aforesaid, by the said Owaneco under his hand and seal, bearing date the sixt of September one thousand sixe hundred ninetie two, wherein the said Owan-

eco hath conveyed the said tract of land to the said Sam[ll] Mason, Ben. Bruster, Jn[o] Stanton, and John Burchard, and to their heirs and assignes forever, and the same is hereby allowed and confirmed for the use and best benefitt of the proprietors of the said tract of land hereinafter named, and thereinafter named and their heirs and assignes forever; and also doe allow and approve and confirme one other deed or conveyance of the said tract of five miles square of land made by the said Samuel Mason, Beniamin Bruster, Jn[o] Stanton, and John Burchard, under their hands and seals, bearing date the 4[th] day of January, $\frac{16}{1700}$, wherein (referring to the said deed made by Owaneco) the said Sam[ll] Mason, Ben[n] Bruster, Jn[o] Stanton, and Jn[o] Burchard, have conveyed all the said tract of land with the appurtenances to the present proprietors thereof (who are hereinafter named) and their heirs and assignes forever. And the same recited deeds or conveyances and the grants, sales, bargains and covenants therein conteined, are hereby allowed, approved and confirmed to be firme, good and effectuall to all intents and purposes according to the true meaning and intent thereof as shall be construed most favourable on the behalfe and for the best benefitt and behoof of the grantees and purchasers (hereinafter named) their heirs and assignes forever. And this Assembly for themselves and their successors have given and granted, and doe hereby give, grant and confirme unto the said purchasers and proprietors of the said tract of land hereafter named, that is to say, to the heirs of Samuel Mason, John Burchard sen[r], John Burchard jun[r], Jabez Hide, John Stanton, Benjamin Bruster, Joseph Parsons, Daniel Clark sen[r], John Brown, John Morgan, Sam[ll] Fitch, John Mason, John Calkin, John Baldwin, Sam[ll] Huntington, Joseph Bradford, Exercise Connant, John Avery, John Burroughs, Nathan[ll] Fitch, Joseph Fitch, George Webster, Edward Culver, James Dean, Richard Bushnell, Thomas Adgate, the heirs of Dan[ll] Mason, Hezekiah Mason, James Buttolph, Jedidiah Strong, Thomas Hunt, Caleb Chappel, William Clark, John Woodward jun[r], John Dewey, Micha Mudge, Josiah Dewey sen[r], Nathan[ll] Dewey, John Woodward sen[r], Richard Lyman sen[r], Samuel Hutchinson, Joseph Marsh, Joseph Thomas, John Webster, Jo-

seph Pumery, Josiah Dewey jun^{r}, John Gillett, Thomas Root, Stephen Lee, John Hutchinson, and Joseph Burchard, (in their actuall full and peaceable seizin and possession being) and to their heirs and assignes forever, all that the said tract of land of five miles square aforementioned, be the same more or lesse, butted and bounded as followeth, that is to say,—On the north or northerly with a line drawne and running from a certain great white oak tree (standing or that is supposed to stand two miles from the river called Willamantick alias Showtuckett, and in the line that is the western boundary of a parcell of land called Masons and Fitches mile) west north-west five miles to a great [485] chestnutt tree marked, standing about || halfe a mile westward from the first branch of the ten mile brook; and on the west or westerly with a line drawn and running from the said chestnut tree southwest or southwesterly through a pond called the north pond to two litle black oak trees growing out of one root, standing about three quarters of a mile from the southwest corner of the said pond; and on the east or easterly with the said western boundary of the said parcell of land called Masons and Fitches mile; and on the south or southerly with a line to be drawn and run from the said two litle black oak trees to the said line that is the western boundary of Masons and Fitches mile, so as to intersect the same western boundary at the distance of five miles (on the point south southwest) from the first mentioned great white oak tree at the north east corner. And also all and singular the rights, priviledges, hereditaments and apurtennances of the same in such proportions, divisions, and distinct proprieties, as they the said grantees and proprietors, their heirs or assignes, or any and every of them, have right in, and doe lawfully hold, and are possessed of the same; and that the said tract of land of five miles square hereby granted as aforesaid and every part thereof with the appurtenances, shall forever hereafter be unto the heirs of the said Sam^{ll} Mason, John Burchard, John Burchard, Jabez Hide, John Stanton, Beniamin Brewster, Joseph Parsons, Daniel Clerke, John Brown, John Morgan, Sam^{ll} Fitch, John Mason, John Calkin, John Baldwin, Sam^{ll} Huntington, Joseph Bradford, Exercise Connant, John Averye, John Burroughs, Nathan^{ll} Fitch, Joseph

Fitch, George Webster, Edward Culver, James Dean, Richard Bushnel, Thomas Adgate, the heirs of Daniel Mason, Hezekiah Mason, James Buttolph, Jedidiah Strong, Thomas Hunt, Caleb Chappel, William Clarke, John Woodward, John Dewey, Michael Mudge, Josiah Dewey, Nathaniel Dewey, John Woodward, Richard Lyman, Samuel Hutchison, Joseph Marsh, Joseph Thomas, John Webster, Joseph Pomerie, Josiah Dewie, John Gillett, Thomas Root, Stephen Lee, John Hutchison, and Joseph Burchard, and to their heirs and assignes a good, sure, perfect, absolute and indefeizable estate of inheritance in fee simple. And this Assembly doth order, appoint and impower the surveyor of the Countie of Newlondō with Deacon John Plumb, at the proper cost and charge of the said grantees to survey, settle and fixe the lines that are to be the south or southerly, and east or easterly boundaries of the said tract of land hereinbefore granted as is before expressed, and to erect and make sufficient monuments and boundmarks therein, and to make their report to this Court in October next. Alway provided that this act shall not preiudice the right or interest of any other persons then those abovenamed in the land herein mentioned, but the same shall be saved to them this act notwithstanding.

This Court grants liberty and full power to Samuel Benton of Hartford, administrator on the estate of Andrew Benton late of Hartford dec^{d}, to sell the house and homelot of the said Andrew Benton lying and being in the said Hartford, for the payment of the debts due from the said Andrews estate to the creditors thereof, and to give sufficient deeds for the same, he the said Samuel giving account thereof to the Court of probates.

[486] This Court grants full power to Joseph North of the town of Farmington, administrator to the estate of Sampson negro, to sell the land of said Sampson for the payment of his just debts, and the remainder or overplus of what the land is sold for to be returned to the select-men of Farmington by them to be disposed of for the benefitt of the widdow and children.

This Court doth appoint Capt. Mathew Allin and James Enos jun^{r}, to lay out one hundred and twentie acres of land formerly granted to M^{r} John Porter, May 14th, 1704.

Capt. Samuel Eels and Serjt Edward Camp being chosen by the proprietors of Newmilford, are added to the former comittee appointed by this Court for the regulation of the said towne.

Whereas Keepaquam with other Indians made their application to this Court for the quiet possession and improvement of fortie acres of land at a place called Pattacunk, which they affirme to be the antient right of themselves and their ancestors before them, and in the deeds of their land there reserved by them, in the possession and improvement whereof they meet with opposition from the inhabitants of Saybrook: the hearing thereof is deferred untill the Generall Court in October next, and a copie of this Court act being left with the select-men of the towne of Saybrook so many dayes before the sitting of the Court as the lawe directs, shall be sufficient notice to the inhabitants of said Saybrook there to appear and answer to the complaint of said Indians.

This Court grants that the towne of Mansfield shall be allowed their countrie rates for two years next coming.

Capt. Abraham Phelps is by this Assembly upon his request and in consideration of bodily infirmitie discharged from his place of Captain in the town of Windzor.

Ordered by this Assembly, that about ten English and twentie friend Indians be speedily prepared to joyn with the Massachusett forces to march to Coassett, and the same incouragement to be allowed them as formerly; and the appointment and comissionating of officers is left to the Governour and Councill.

Mr Richard Sackett of the Province of Newyork petitioned this Assembly for full libertie for himselfe and his assignes to gett and transport all such timber of pine, spruce, and whatever growing within this Colonie that might be of use for the furnishing of her Majesties navie, and that he might have a pattent for the same. The consideration of his petition is referred to the Generall Assembly to be holden at Newhaven in October next.

Cost allowed to Doctor Thomas Hooker for his attendance at this Court upon the citation of Mr Bevil Waters is fifteen shillings in pay and eight pence in money.

Cost allowed to the select men of the towne of Wethersfield

for their attendance at this Court upon the citation of Mr Nathanll Hooker is twelve shillings in pay.

Mr Stephen Chester lately deceased being considerably indebted at the time of his decease, and there not being assets [487] || for the paying of debts due from the estate of said Stephen Chester, this Assembly are desired to impower such person or persons as they shall see meet to make sale of so much of the reall estate of said Stephen Chester as may be sufficient to make such payments as are due from said estate and the assetts will not answer. John Chester.

This Assembly doth appoint and impower Majr John Chester and his brother Mr Thomas Chester, or either of them, to make sale of the said lands of their vncle Mr Stephen Chester deceased in mañer as above exprest.

This Assembly grants to Mr John Eliot, Speaker, fortie shillings in pay for his conduct this session, and Eleazar Stent for his Clerkship this sessions thirtie shillings in pay.

Capt. Williā Ely and Lt Wakeman went home without leave from the House of Representatives. Mr Eliot recieved sixe shillings cash at ten shillings pay, and Eleazr Stent sixe shillings cash at the same vallue in pay.

This Assembly appoints a religious fast to be observed throughout this Colonie on the second Wedensday in June next ensuing. A bill for the fast was read and approved in Court.

ACTS PASSED AT A GENERALL ASSEMBLY HOLDEN AT NEWHAVEN, OCTOBR THE 11th, 1705, ENDED THE 19th DAY OF THE SAME MONTH.

Persons nominated for Election to the place of Assistants in this Goverment in May next are:

Majr Generall Fitz John Winthrop Esqr, Colonll Robert Treat Esqr, Major James Fitch, Capt. Daniel Wetherel, Nathaniel Stanly Esqr, John Hamlin Esqr, Capt. Nathan Gold, William Pitkin Esqr, Joseph Curtis Esqr, Majr John Chester, Richard Cristophers Esqr, Josiah Rossiter Esqr, Peter Burr Esqr, John Alling Esqr, John Hains Esqr, Eleazar Kimberly, Capt. Abraham Fowler, Mr Jeremiah Osborn, Mr John Eliot, Capt. Samuel Eels.

This Assembly grants a rate of five pence upon the pound of all the rateable estate in this Colonie, to be paid in winter wheat at five shillings and sixe pence p^r^ bushell, rye at three shillings and sixe pence p^r^ bushell, Indian corn at three shillings p^r^ bushel, porke at three pounds fifteen shillings p^r^ barrell, beef at fortie shillings per barrell. All the grain to be good and merchantable, the porke and beef in good new tight cask, full gage, well repackt by a sworn packer and marked with his mark. But if any will pay money it shall be accepted at two thirds.

It is ordered and enacted by this Assembly: That for the future all barrells made for tarr and cyder shall be of the same gage as pork and beeff barrels, viz^t^ thirtie one gallons and a halfe, any former lawe, usage or custome to the contrary not-
[488] withstanding. || And whosoever shall put to sale any barells made for tarr or cyder not being of the same assize with pork and beef barrells, viz. of the assize of thirtie one gallons and a halfe, shall suffer the penaltie of the lawe provided in case of caske defective in assize in page the 14^th^ of the printed lawe, title Assize of Cask.

It is ordered and enacted by this Assembly: That the constables in the severall townes in this Colonie, where there is any bisket belonging to the Colonie shall (with the advice of the next authoritie) make sale of the same to the best advantage they can, and be accountable for the same to the Treasurer.

It is ordered and enacted by this Court: That the brand for horses in the towne of Groton shall be the following figure, viz^t^ 2.

Ordered and enacted by this Assembly: That the Councill in the intervale of the Courts shall consist of seven, viz^t^ the Govern^r^ or Deputy Govern^r^ and sixe Assistants, and in case of their absence the number to be made up of able, judicious freemen, who shall have the same power as given them by the Generall Court in May last; but if it so happen that the Governour and Company be cited to attend the Court of Enquirie, then they to comissionate such persons to represent the Colonie at said Court as they shall see cause.

This Assembly doth desire the Hon^bl^ the Govern^r^ with Capt.

Nathan Gold, Mr Peter Burr, the Reverd Mr Timothie Woodbridge, Mr James Pierpoint, Capt. Cyprian Nichols, Capt. Abraham Fowler, and the Secretary, to be a comittee in behalfe of this goverment, to consider of the complaints laid against this Colonie in England,* and to furnish our agent in England with what directions or informations they can, in order to answer said complaints, his Honr with any five of them to be capable of acting in said affair. And whereas sundry complaints are made that Owaneco and the Indians are wronged in the matter of their rights in land said to be took from them by this goverment, or by some perticular persons, therefore this Assembly doe desire and appoint said worthy gentlmen named to inquire into said supposed wrongs done, and make report of what they find unto this Assembly at their next sessions. And it is provided that if any of the abovesaid gentlmen should not attend the worke abovesaid, then it shall be in the power of the Governr and the rest of the gentlmen present with him, to call in so many other suitable persons to act with them in the room of those that are absent. And the said gentlmen are also desired to send to our agent what information may be necessary concerning the Court of Inquirie at Stoningtō.

[489] *Present at this Court:*

Majr Genrll Fitz John Winthrop Esqr, Governr.
Colonll Robert Treat Esqr, Deputy Governr.

Assistants present:

Nathanll Stanly,		John Chester,	
John Hamlin,		Josiah Rossiter,	
Nathan Gold,	Esqrs.	Peter Burr,	Esqrs.
William Pitkin,		John Alling,	
Joseph Curtis,			

Deputies present:

For Newhaven, Mr Jeremª Osborn, Mr Joseph Moss.
For Windzor, Capt. Mathew Allin.

* Copies of the "Charges against the proceeding of the Charter Government of Connecticut," are in For. Corresp. I, 116, Id. II. 89. See Trumbull's History, Book I, Cap. XVII. Bartlett's Rhode Island Col. Records, iii. 544. Documents relating to the Colonial History of N. Y., IV, V.

For Hartford, Capt. Cyprian Nichols, Capt. Joseph Wadsworth.
For N. London, Mr Nehema Smith, Mr Wilt Douglas.
For Fairfield, Capt. John Wakeman, Mr John Burr.
For Milford, Capt. Samll Eels, Mr Zechariah Baldwin.
For Stratford, Capt. James Judson, Lieut Jno Hawly.
For Branford, Mr Wilt Malbye, Capt. Eleazar Stent.*
For Kilinsworth, Mr Jno Crane.
For Haddum, Mr Danll Brainard.
For Gilford, Capt. Abrahā Fowler, Serjt Joseph Dudley.
For Wallingford, Capt. Samll Hall, Serjt John Merimā.
For Lyme, Ens. Joseph Peck.
For Glassenbury, Capt. Samll Wells, Lieut Samll Hale.
For Saybrook, Mr Nathanll Lynde, Mr Nathanll Chapman.
For Symsbury, Capt. John Higly.
For Windham, Mr Joseph Cary.
For Stonington, Capt. Nathanll Cheesbrook, Serjt Elnath. Minor.
For Midltown, Capt. Nathanll White, Mr Samll Bidwell.
For Norwalk, Mr Thomas Betts, Mr Samll Hanford.
For Lebanon, Mr Samll Huntington.
For Norwich, Lt Solomō Tracy, Mr Joseph Baccus.
For Preston, Mr Caleb Fobes, Mr Danll Bruster.
For Farmingtō, Capt. Thomas Hart,† Mr John Hooker.
For Wethersfield, Capt. Robt Wells, Capt. Tho. Wells.
For Woodbury, Capt. John Minor, Mr John Sherman.
For Waterbury, Mr Thomas Jud, Thomas Jud.
For Stanford, Lieut David Waterbury.

List of estates and persons exhibited in this Assembly:

	lls.	Persons.		lls.	Persons.
Hartford,	20010	313	Wallingford,	06868	100
Newhaven,	18528	276	Fairfield,	12841	175
Newlondon,	08769	217	Branford,	06207	082
Groton,	05259	120	Killinsworth,	03375	060
Stonington,	06821	119	Woodbury,	03492	084
Windzor,	15576	300	Gilford,	10031	160
Farmington,	08273	127	Lebanon,	03736	090
Norwalk,	07143	100	East Haddū,	02716	067
Danbury,	02673	061	West Haddū,	02272	045
Windham,	02583	056	Darby,	02749	065

* Clerk. † Speaker.

Midltown,	08417	197	Milford,	12028	152
Glassenbury,	03092	070	Waterbury,	02047	052
Norwich,	08243	163	Wethersfield,	13534	200
Symsbury,	03776	076	Stanford,	07676	100
Stratford,	12423	130	Greenwich,	04246	064
Lyme,	06602	110	Saybrook,	06850	109
Preston,	03644	069			

At the Genrll Assembly in May, added to Haddum list by Georg Cone, Wilt Spencer, listers, sixtie eight lls. Added to Stratford list by John Coe and Benjan Curtis, listers, three hundred and seventie two pounds 16s. To Fairfield list by Peter Burr, Richard Hubbel, and Jno Barlow, listers, fifteen hundred seventie eight pound nineteen shillings. To Haddum on the east side of the river 68lls. May 15, 1706, added to Newhaven list six hundred pound, Nathanll Mix lister. To Windzor list 776lls.

[490] This Assembly doth allow to the Governrs Honr one hundred and twentie pounds for his sallerie this year.

This Assembly doth allow to the Deputy Governr fiftie pounds for his sallerie this year.

This Assembly doth allow to the Treasurer five and fortie pounds for his sallerie this year.

This Assembly doth allow to the Colonie Sherriff eight pounds for his sallerie this year.

This Court doe appoint Capt. Joseph Whiting and Capt. Cyprian Nichols to give bond to Capt. Sewall for the paymt of one hundred and fortie pounds cash borrowed for the Colonies use.

This Assembly doth allow to Capt. Thomas Hart, Speaker, thirtie shillings for his conduct this sessions, and unto Newhaven Countie sherriff four shillings pr day for his attendance this sessions.

Ensign Joseph Peck is appointed by this Assembly to make sale of two and twentie cattle that belong to the Colonie, which cattel are at Lyme, and make return of what they are sold for to the Treasurer or his order for the use of the Colonie.

The constable of Saybrook is appointed to sell eight cattel which be at Saybrook and belong to this Colonie, and to return the money they are sold for to the Treasurer or his order for the use of the Colonie.

Capt. Abraham Fowler is appointed to sell three cattel which belong to this Colonie which cattel are at Gilford, and make return of what are sold for to the Treasurer or his order for the Colonies use.

This Assembly doth impower the countie court in the countie of Newhaven to levie a rate of halfe a farthing upon the pound of all the rateable estate in the countie of Newhaven, to be levied upon the inhabitants according to their estates and in proportion thereunto.

This Assembly doth order and impower the Treasurer to give order to the severall constables to secure the money that shall be paid in the Colonie, and forthwith order it to pay the money debts, and also to use his best discretion in selling so much of the produce of the countrie rate as shall still be needfull for silver money as soon as may be, and forthwith order it to pay the money debts aforesaid, that is to say, the money debt due to our agent, and such money debts as are due to any person or persons for money taken up upon interest for the Colonies use.

Whereas the selectmen of the towne of Suffield in the Province of the Massachusett Bay have demanded of severall of the inhabitants of Symsbury to give in to them their lists of estates with intent to levie rates upon them: this Assembly doth hereby order, that if the said townsmen or any other Suffield men [491] shall demand rates of any of the inhabitants of || Symsbury they shall not yield to pay any rates to them, but are hereby forbidden so to doe; and in case they shall presume to distrain on any of said inhabitants for the same, the authoritie in Symsbury, or the next neighbouring townes, are hereby ordered to grant a warrant for arresting them, in order to bring them to a triall for the said offence.

By the Governour, Councill and Representatives, in Generall Court assembled. An Act or Order for incouragement of obteining Masts and other Navall Stores within this her Majesties Colonie of Connecticut.

Whereas by an Act of Parliament our soveraign Lady Queen Ann hath been graciously pleased to direct and incourage her good subiects in forreign plantations in advancing or procuring

masts, and other navall stores for the supply of her fleet and other shipping of the nation: the Govern^r and Company aforesaid, that they might manifest their dutifull regard to her Majestie and studious care of her Majesties and the nations interest, and having been informed that there may be a considerable quantitie of good and large masts obteined within the limits of the Colonie, have thought fitt to authorize and grant full libertie and power to sundry principall gentlmen in this and the neighbouring goverments to undertake the mannagement of that affair,—and therefore doe nominate, appoint, and grant full power and free libertie to Maj^r Generall Wait Winthrop, Capt. John Hamlin, Capt. Nathan Gold, William Pitkin, Caleb Hethcutt, Thomas Wenham, James Judzon, Thomas Hart, Robert Wells, John Higly, Jeremiah Osborn, Sam^ll Eels, and Jonath. Sellick, Esq^rs, Mathew Allin, Abraham Fowler, Richard Sackett, and Joseph Hawly, gentlmen, to take into partnership with themselves such other gentlemen, person or persons, as they or the maj^r part of them shall find needfull or proper, not exceeding the number of thirtie, the maj^r part of the whole number in partnership or their assignes alwayes being freeholders and inhabitants within this Colonie. And the maj^r part of all such as are or shall be partners in said affair, or their respective atturnies or lawfull substitutes, such atturnies or substitutes to be freeholders as aforesaid, are hereby impowered to order, rule, and dispose in said affair from time to time, and at all times as they shall judge best and most conducive to advance the above designe. And that this goverment might not be wanting in a dutifull service of her Majestie herein, or suffer the said undertakers and partners to labour under disadvantage and discouragement in so great and laudable an enterprize: Be it enacted by the Governour and Com-
[492] pany of the said Colonie in Generall Court || assembled, and it is enacted, ordeined and granted by the authoritie of the same: That the abovenamed Wait Winthrop, John Hamlin, Nathan Gold, William Pitkin, Caleb Heathcoate, Thomas Wenham, James Judson, Thomas Hart, Mathew Allin, John Higly, Jeremiah Osborn, Samuel Eels, Jonathan Sellick, Robert Wells, Abraham Fowler, Richard Sackett, Joseph Hawly, together

with such other persons as they as aforesaid shall take into partnership with them, their heirs, lawfull atturnies or assignes, be and hereby are impowered from time to time and at all times, to accept, acquire, purchase or otherwise lawfully obtein, such trees, lands, water-courses, or other conveniences, either of the natives or other proprietors within the limits of this Colonie, and the same to enter upon, occupy and use, as may best of all promote the said affair, and for their proper profitt, benefitt and behooff. Always provided, and it is hereby reserved, that after the expiration of sixe years from and after the first of September next ensuing it may and shall be lawfull, and in the power of this goverment, in case the abovementioned grantees, their heirs or assignes as aforesaid, shall not make such improvement of the grant abovementioned, as to lade from this Colonie some ship or ships with masts and navall stores fitt for her Majesties service, or other ships in England, the masting whereof is necessary to be imported into the said kingdome from forreign parts, that then this act and all the grants therein conteined shall be utterly void. It is further also provided and reserved, that no lands by virtue of this act shall be impropriated but such as may by this Court be judged needfull for the promoting of the aforementioned designe, nor any longer then said design shall be carryed on. And further that it may and shall be lawfull for any of the inhabitants within this Colonie to make use of or cut any trees they may have ocasion for within any of the lands allowed to be purchased, so farr as may be needfull for masts or any other use for their perticular concerns, anything in this act to the contrary notwithstanding.

Whereas a Pattacunck Indian named Kepaquam, a relation of Taermuggus dec^{d}, hath formerly petitioned the Generall Court of this Colonie that he with the rest of the successors of said Taermuggus may be quietly possessed of that fortie acres of land at Pattacunck that the said Taermuggus reserved in the deed given by him to M^{r} Samuel Willis and M^{r} Mathew Allin for the township of Haddum, which land by the order of [493] the Generall Court is || now within the bounds of Saybrook by an addition of some miles to Saybrook bounds; and it appearing to the Generall Court upon the said Kepaquams

petition that such a quantitie of land was reserved as abovesaid, the Court did thereupon recomend it to the towne of Saybrook to lay out the said fortie acres to the abovesaid Indians, or make them satisfaction for the same; but nothing having been done by said towne therein, the said Kepaquam doth now again apply himselfe to this Court in the aforesaid matter, and the Court having considered thereof and what the representatives of Saybrook have offered therein, doe therefore order that the said Indian shall have liberty of processe in the comon course of lawe at the cost of the Colonie, at the Countie Court to be held in Newlondon, and that the said Court shall assign him a councill or atturney to manage his case from court to court at the s^d^ Colonies charge untill the case be issued. And it is provided that if it happen that the Indian in the issue of the case doe recover judgment against the towne of Saybrook, then said towne to pay the charges according to lawe, which charges shall be secured for the use of the Colonie.

Whereas there are some persons, namely William Janes and Samuel Hawly jun^r^, of Stratford, and Justis Bush of Newyork, who have contrary to the lawes of this Colonie lately purchased of the Indians some thousands of acres of land lying on the west side of Stratford River, as appears by a deed of said purchase now in the hands of the Court: this Court doth recommend it to the civill authoritie in the countie of Fairfield, to take care that the said offenders may be prosecuted at the next countie court to be holden within the said countie, in due forme of lawe for their illegall purchase of lands as aforesaid, and doe order that a copie of the said deed be transmitted to the said countie court, that the said persons may be thereby convicted; and likewise to order prosecution of any other persons who shall be found to make or have made any such illegall purchases of land in said countie.

M^r^ Sam^ll^ Woolcutt is appointed to be Capt. of the Troop in the countie of Hartford, M^r^ James Steel to be their Lieutenant, and M^r^ Joseph Whiting to be their Ensign.

And Nathan^ll^ Stephens is appointed by this Assembly to be Lieutenant of the trainband at the eastern bounds of Gilford, and Stephen Bishop to be their Ensign.

And Lieut Sam[ll] Cross is by this Assembly appointed Captain of the trainband on the north side of the riverett in Windzor, and Serjt Nathan[ll] Gaoler to be their Lieutennant.

All the abovesaid officers are to be comissioned according to lawe.

This Court having heard and considered what Capt. Joseph Whiting, Treasurer, hath offered concerning a judgment of [494] Court || obteined against him by Sam[ll] Steel and William Goodwin, constables of Hartford, upon an arbitration bond to the vallue of twentie pound, doe declare that the said treasurer shall not be allowed to pay the said money out of the publick treasurye of the Colonie, and doe order that execution shall not be given out against the said treasurer upon the said judgmt, untill the next countie court at Hartford, who are hereby ordered upon the application of the said treasurer (he giving signification thereof to the said constables) to chancer the said bond.

Sam[ll] Heminway, Thomas Goodsell, Allin Ball, John Potter junr, John Moltrop, Samuel Thomson, and Abraham Hemanway, presenting a petition on the behalfe of the inhabitants or village on the east side of Newhaven East River, wherein they pray for the reestablishment of a former grant made by the Generall Court to them in May, 1680, with such other priviledges as this Court shall see meet: This Court having considered their petition, doe see cause to reestablish the said former grant (excepting their freedome from countrie rates for three years, which priviledge they have formerly enioyed) and also impower them from time to time to make rates upon the inhabitants within the bounds of the said village as exprest and stated in the grant of Newhaven December 29th, 1679, for the maintenance of their minister and building a meeting-house, and to choose collectors for collecting said rates, and a constable, and societie recorder to record the orders of the said village respecting the ministrie and meeting house.

This Assembly remitts to the inhabitants of East Gilford halfe their rate for this year, but it is hereby intended that said halfe rate be collected and expended for their publick benefit.

The inhabitants of Farmington at their town meeting Sep-

tember the 28, 1705, having by their vote manifested their consent that so many of their inhabitants that doe or shall personally inhabit at the place called the Great Swamp and upland belonging thereunto, and in the division of land on the east side of the Blue Mountains, and in those lotts called Bachellors Lotts, and so much of the division of land against Wethersfield as shall extend northward from the great swamp untill it shall include the lot that was William Juds, and no more; so many of them as see cause, none to be compelled, that they become a ministeriall societie, *none to be compelled*, when they doe gain a capable minister among them, and continue so to be so long as they shall in a competently constant way retain such a minister among them; and when and so long as they shall so doe, themselves and what estate they have there shall be freed from the charge of the ministrie elsewhere. Alwayes provided that they shall for their own proportion of labour in the highwayes make and maintain the passages and highwayes they have oca- [495] sion for there amongst themselves || without involving the towne in generall therewith, as also that they shall at no time endevour to surprize their neighbours by indevouring to obtein of the Generall Court other advantages wherein the towne in generall may be concerned, without first acquainting the towne therewith, nor claim or challenge any interest within our sequestred land for the maintenance of the ministrie there.

Certain persons inhabitants of Farmington, petitioning for the grant of a distinct societie at the said place cõmonly called the Great Swamp, and that the bounds thereof might be stated: this Assembly grants their petition so farre as the town of Farmington have granted to the petitioners.*

A Survey of the dividing line between Haddum and Durham.

On the 12th day of September, 1705, by the desire of cõmittees appointed for that purpose by the townes of Haddum and Kilinsworth, I, Caleb Stanly, surveyor of lands, run and measured (in the line that is the boundary between the townes of Midltown and Haddum) from Connecticut River west (by the needle of the surveying instrument) sixe miles to a small walnutt tree marked, nigh to which is a great white oake tree markt with divers letters. Then from the said walnut tree I run a line south 38 degrees easterly (nearest paralell to the generall ruñ or course of Connecticutt River, through the town

* Eccl. I, 58, 59. This society, to which some addition had been made from the towns of Wethersfield and Middletown, was called Kensington in May, 1722. It comprised within its limits the present towns of Berlin and New Britain.

of Haddum) to a red oak tree markt with a heap of stones about it, nigh to which also is a white oak tree marked with divers letters, which said red oak tree is, or sometime formerly hath been supposed to be, in the line that is the south boundary of Haddum, at the distance of sixe miles west from Connecticut River, and in said line I marked a range of trees. The which line so run and marked from the said walnutt tree to the said red oak tree, is the western boundary of the towne of Haddum, and the eastern boundary of the town of Durham.

This Assembly doth allow of the abovesaid survey and order it to be recorded.

Whereas the Generall Court holden May the 8th, 1673, granted unto Mr Stephen Hart one hundred and fiftie acres of land in such place where it might be conveniently found, and the said tract of land was taken up at or near Waterbury which afterwârd was granted to be a township, and therefore said tract of land so taken up was relinquished, and sometime after said 150 acres of land was taken up near the meeting of the bounds of Farmington, Symsbury and Windzor, which tract of land is found to be interfering upon some of said bounds, and if it held is like to be matter of controversye, and therefore the heirs of said Stephen Hart doe relinquish both the tracts of land, abovementioned: in consideration whereof, this Court doe grant unto the heirs of said Stephen Hart one hundred and fiftie acres of land in some convenient place where it may be taken up without preiudice to any former grant.

This Court doth grant libertie to the heirs of Mr Anthonie [496] Howkins to take up three hundred acres of land || granted by the Generall Court Octobr 3d, 1662, and Octobr, 1668, and in May, 1671, in some convenient place where it may be found without being preiudiciall to any former grant. The abovesaid land was granted at three severall Generall Courts.

Vpon the petition of Elizabeth Olmstid, widdow, this Assembly doth declare it to be their opinion that the said petitioner should be allowed eighteen months libertie from the time of the settlment of her husbands estate by the court of probates, for entring of her appeal from the said court to the Court of Assistants, she being hindred by sicknesse from appealing at the time of said settlmt by the court of probates.

This Assembly upon the petition of Mary Buckingham of Milford, widdow, administratrix to the estate of her deceased husband, grant her liberty to confirme the sale of one acre and one rood of outland, to the sale whereof her husband in his life time did agree and was paid for it, but gave no deed thereof: this Court doth hereby impower said Mary to give a deed of sale for the same to the purchaser.

Vpon the request of Sarah Smith, late wife of Robert Horton deceased and administratrix to his estate, this Assembly grants her full power, (with the consent and approbation of her present husband) to make sale of that part of her said late husbands lands which was assigned to her for her dower (by the countie court in Newhaven) for the paiment of the said Robert Hortons debts, his estate being nonsolvant.

Cost allowed to M^{r} William Rawlison for his attendance at this Court upon the citation of M^{rs} Elisabeth Nesbitt is seventeen shillings and eight pence in pay.

Cost allowed to Ensign Joseph Peck for his attendance at this Court upon the citation of Thomas Andrews of Milford is two shillings in money and sixteen shillings in pay.

Cost allowed to Lieu^{t} Thomas Knowles for his attendance at this Court upon the citation of Isaac Knell is nine shillings and sixe pence pay.

This Assembly doth allow Serj^{t} John Hawks his cattel to be taken out of Waterbury list, and to be free from countrie rates this year.

A writt of scire facias formerly issued forth upon the prayer of John Wilson of the towne of Rye in her Majesties Province of Newyork, in the right of Marie his wife, requiring Sam^{ll} Lyon and Joseph Lyon both of the towne of Greenwich, to appear at this Court to give reason if any they had why the said John and Marie Wilson might not have execution upon the lands of the said Samuel and Joseph Lyon, to satisfye a judgm^{t} recovered against them before the Generall Assembly holden at Hartford May 13th, 1703, was served upon the said Lyons and returned to this Assembly, but the said Lyons did not appear; wherefore execution is issued forth upon the said judgment.

[497] Att a Generall Assembly holden at Hartford, May the 9th, 1706, and continued by severall adjournments to the seventeenth day of the same month.

Att this Assembly,

Majr Generall Fitz John Winthrop Esqr, was chosen Governour for the year ensuing, and Colł Robert Treat Esqr, Deputy Governr.

The persons following were chosen to be Assistants for the year ensuing, viz:

Majr James Fitch,		Joseph Curtis	
Capt. Danll Wetherell,		Majr John Chester,	
Nathanll Stanly,		Richard Cristophers,	
John Hamlin,	Esqrs,	Josiah Rossiter,	Esqrs.
Capt. Nathan Gold,		Peter Burr,	
William Pitkin,		John Alling.	

And Capt. Joseph Whiting was chosen Treasurer for ye year ensuing.

And Eleazar Kimberly Secretary for the year ensuing.

Persons present at this Assembly and sworn, are:

Majr Generall Fitz John Winthrop Esqr, Governour.

Colł Robert Treat Esqr, Deputy Governr.

Majr James Fitch,		Joseph Curtis,	
Capt. Danll Wetherel,		Majr John Chester,	
Nathaniel Stanly,	Assists,	Richard Cristophers,	Assists.
John Hamlin,		Josiah Rossiter,	
William Pitkin,		John Alling.	

Deputies present are:

Capt. Cyprian Nichols,	Capt. Tho. Hart,*
Capt. Aron Cook,	Mr John Hooker,
Mr Jeremh Osborn,†	Capt. Nathll White,
Mr Joseph Moss,	Lieut Thomas Ward,
Capt. John Wakeman,	Capt. Mathew Allin,
Mr John Edwards,	Capt. Samll Woolcutt,
Lieut John Hough,	Lt James Treat,
Mr John Richards,	Lt William Warner,

* Speaker. † Clerk.

Capt. James Judson,
Mr Benjan Curtis,
Mr Saml Buell,
Mr John Crane,
Mr Willia Malbie,
Mr Nathanl Foot,
Capt. Thomas Yale,
Lt John Merriman,
Capt. Jonath Sellick,
Lt David Waterbury,
Mr Daniel Braynard,
Capt. John Chapman,
Capt. John Higly,
Mr Nathanl Holcomb,
Capt. Samuel Eels,
Mr Jonathan Lawes,
Capt. Abraham Fowler,
Mr James Hooker,
Capt. William Ely,
Ens. Joseph Peck,
Mr Solomon Tracy,
Mr Joshua Riplye,
Mr Joseph Minor,
Mr Gershom Palmer,
Mr Nathanl Lynde,
Capt. John Clark,
Mr John Copp,
Mr Samuel Keeler,
Ens. Thomas Tayler,
Mr Josiah Starre,
Capt. James Morgan,
Mr Caleb Fobes,
Capt. John Parkes,
Mr Andrew Leyster,
Lieut Samuel Hale,
Mr John Hubbard,
Mr Thomas Jud junr,
Mr John Sprague,
Mr John Judson.

Judges and Justices.

William Pitkin Esqr is by this Assembly appointed Judge of the Countie Court and Court of Probates in the Countie of Hartford.

John Hains Esqr, Richard Lord Gent., Lieut John Tallcott, Capt. Mathew Allin, Capt. Thomas Hart, John Hooker Gent. and Capt. Robert Wells, are by this Assembly appointed to be Justices of the Peace and Quorum in the said Countie.

And Mr John More, Capt. John Higly, Lieut James Treat, Eleazar Kimberly, Capt. John Chapman, Mr Joshua Riply, Capt. Nathanl White, and Mr Thomas Jud are by this Assembly appointed to be Justices of the Peace in the same Countie. [498] John Alling Esqr is by this Assembly appointed to be Judge of the Countie Court and Court of Probates in the Countie of Newhaven.

Mr Jeremiah Osborn, Mr William Malbie, Capt. Samuel Eels, Capt. Abraham Fowler, Mr Thomas Clark, Capt. Nathan Andrews, and Majr Ebenezer Johnson, are by this Assembly

appointed to be Justices of the Peace and Quorum in the Countie of Newhaven.

Capt. Thomas Yale, Mr John Hall, Mr Jonath. Law, are appointed by this Assembly to be Justices of the Peace in the same Countie.

Capt. Daniel Wetherel is by this Assembly appointed Judge of the Countie Court and Court of Probates in the Countie of New London.

Mr Nehemiah Palmer, Capt. Richard Bushnell, Mr Nehemiah Smith, Capt. William Ely, Mr Nathaniel Lynd, and Mr Daniel Tayler, are by this Assembly appointed to be Justices of the Peace and Quorum in the said Countie.

Mr Ephraim Minor, Mr Jonath. Tracie, Mr Michael Tainter, Mr Samuel Buell, and Capt. James Morgan, are appointed by this Assembly to be Justices of the Peace in the same Countie.

Capt. Nathan Gold is by this Assembly appointed to be Judge of the Countie Court and Court of Probates in ye Countie of Fairfield.

Capt. John Wakeman, Capt. Mathew Sherwood, Capt. James Judson, Capt. Jonath. Sellick, Capt. James Olmstid, Capt. John Minor, are appointed by this Assembly to be Justices of the Peace and Quorum in the said Countie of Fairfield.

Lieut David Waterbury, Lieut Samuel Peck, Lieut James Bebee, Mr Ebenezer Meed, and Mr John Sherman, are by this Assembly appointed to be Justices of the Peace in the same Countie.

Nathanll Hooker, gent. is by this Assembly appointed Ensign of the trainband under the comand of Capt. Cook in Hartford, and to be comissionated accordingly.

Lieut. John Chapman, Thomas Knowlton and Serjeant Joshua Brainard are by this Assembly appointed to be military officers in Haddum on the east side of the great river there; Lieut John Chapman to be Captain of the trainband there, Thomas Knowlton to be Lieutennant, and Serjt Joshua Brainard to be their ensign, and to be all comissionated accordingly.

Nathaniel Harrison is by this Assembly appointed to be Captain of the trainband in the towne of Branford, and to be comissioned accordingly.

Mr John Coe is by this Assembly appointed to be Lieuteñant of the foot company in the towne of Stratford, Serjt Ebenezer Curtis to be their Ensign.

Return Strong junr is by this Assembly appointed to be Quartermaster of the troop in the countie of Hartford and to be comissionated accordingly.

Mr Richard Lord, Lieut John Hall, Mr Richard Cristophers, Mr Jonath. Sellick, and Mr Joseph Mosse, are by this Assembly appointed to be Auditors of the Colonie accounts in October next.

[499] It is ordered and enacted by this Assembly: That the Councill in the intervale of the Generall Court shall consist of seven, vizt the Governr or Deputy Governr and sixe Assistants, and in case of their absence the number to be made up of able, judicious freemen, who shall have the same power that was given ȳ by the Generall Court in May, 1705; but if it so happen that the Governr and Company be cited to attend the Court of Inquirie, then they to comissionate such persons to represent the Colonie as they see cause.

This Assembly grants a rate of one halfe pennie upon the pound currant money at fifteen pennie-weight, to be levied upon all the rateable estate in this Colonie by the lists of estates exhibited in the Generall Assembly in October last, with the after additions; to be improved for the payment of what is due to our agent, and discharging such money debts as the Colonie hath contracted, and pay use for, and for no other use; no person to be exempted from paying his proportion of this rate according to his list upon pretence of the Colonies being indebted to him. And the constables in the severall townes in this Colonie are hereby required forthwith upon sight of an attested copie hereof under the hand of the Secretary, to levie the same and deliver it to the Treasurer for the use aforesaid, the debt to our agent to be first paid. The constables to make up their accounts of the said rate with the treasurer on or before the twentie fift day of June next ensuing, and if any persons neglect or refuse to pay their proportions of said rate, the respective constables are hereby impowered and required to levie the same by distresse, as the lawe directs in such cases.

It is ordered and enacted by the Govern^r, Councill and Representatives in Generall Court assembled, and by the authoritie of the same: That those four hundred men that have been formerly detached frō the Countie of Hartford for the defence of this Colonie and the frontiers of the Countie of Hampshire, be still continued in the same order as they were, that is, so many of them as can attend that service, and their numbers to be made up of others to supply the places of them that cannot attend that service; to be disposed of from time to time for the uses aforesaid by order of Nathaniel Stanly Esq^r, M^r William Pitkin, Maj^r John Chester, Maj^r William Whiting, Capt. Cyprian Nichols, Capt. Mathew Allin, and Capt. Aron Cook, which are now appointed a Committee of Warre for the ends aforesaid, any three of them to be capable to act as a Coñittee of Warre for the end aforesaid, and to be coñissionated by the Governour for that service, and said coñission to be as formerly.

This Court grants eight pounds more in pay in addition to thirtie pounds already granted to M^r Joseph Whiting Treasurer. This last addition is in consideration of his collecting the [500] halfe || pennie rate and making up the accounts with the constables.

This Court grants unto M^r Joseph Whiting, Treasurer, thirtie pounds pay for riding the circuit and making up the accounts with y^e constables in the severall townes in this Colonie.

This Court grants unto Thomas Hart, Speaker, thirtie shillings, and to Jeremiah Osborn, Clerk, twentie shillings, for their service during this present Court.

Whereas there hath arisen unhappy differences respecting the lands at Quinebaug between the Hon^bl the Governour and Maj^r James Fitch and sundry other persons interested in those lands, which differences this Court are desirous to appease, and bring to a good issue: and as a means for that end, provided the parties abovementioned shall consent thereunto, doe appoint Joseph Curtis Esq^r, Major John Chester, the Rever^d M^r James Noyes, M^r Timothie Woodbridge, Capt. Abraham Fowler, and Capt. Mathew Allin, or any three of them, as coñissioners to repair to the place of difference at Quinebaug, and there to inform themselves of the true state of that matter, and

being so informed to mediate between the parties concerned to indevour an amicable compromise of the differences aforesaid; with sufficient power to search records, and examine evidences as need may require for the accomplishing the ends aforesaid. But if said comissioners should upon triall find that the methods above stated are ineffectuall for promoting the end proposed, that then they shall make report to the Generall Court in October next how they find the true state of those matters of difference relating to the titles or interests of the parties concerned in those lands at Quinebaug, that the Generall Assembly in October next may further see their way clear in order to putt those unhappy differences to finall issue. And it is also ordered that all actions now comenced and depending in the lawe between any of the parties concerned in those lands at Quinabaug shall be suspended and referred, and are hereby suspended and referred to the Court of Assistants in May next, and then to proceed in order of processe in the lawe as now they are in, if the causes of those actions and suits with the whole of those troubles and vexations be not in the methods abovenamed brought to a finall issue and removed before that time; and that no action by any of the parties abovementioned relating to those lands at Quinabaug be comenced till after the Generall Court in October next ensuing; and that said comittee, or any of them, giving timely notice to the parties concerned, shall as soon as they can conveniently proceed to the mannagement of this affair.

The above bill with the comissioners names entred is consented to by the Hon^{red} Govern^{r} and Maj^{r} James Fitch.

[501] Whereas Joshua, Indian sachem dec^{d}, did by his last will and testament give and bequeath a certain tract of land lying on the east side of Connecticutt River unto M^{r} Samuel Willis, M^{r} James Richards, Capt. Thomas Bull, M^{r} Joseph Hains, M^{r} Richard Lord, Maj^{r} John Talcott, M^{r} John Allin, M^{r} Eleazar Way, Bartholomew Barnard, Nicholas Olmstid, Henerie Howard, Joseph Fitch, Thomas Burnham, William Pitkin, and Nathaniel Willet, and the owners of the greatest part of the said land have by a deed passed over their right therein unto William Pitkin, William Whiting, Joseph Tallcott, and

Richard Lord, as a comittee to dispose of the said land for a plantation,—

This Court doe therefore appoint and empower the said William Whiting, Joseph Tallcott, and Richard Lord, a committee with full power to lay out a township any where within the said tract of land, and of such extent and bignesse as they shall see meet, which said towne shall be called by the name of , * and also to lay out and divide the same township into homelotts and other divisions of lotts as they shall see convenient, and to admit of inhabitants; the said towne not to contein lesse then sixe miles square.

Vpon the petition of John Beldin, Ralph Keeler, John Keeler, Samuel Keeler, Daniel Betts, John Whitne sen^{r}, Joseph Birchard, John Whitne jun^{r}, and John Copp, inhabitants of the towne of Norwalk, in the behalfe of the rest, this Court doth appoint Capt. Jonathan Sellick, Lieu^{t} David Waterbury, and M^{r} John Copp, to view a tract of land, bounded south upon Norwalk bounds, northeast upon Danbury, and west by York line, and to make an estimation of the quantitie thereof with the breadth of it from the line between the bounds of Newyork and this Colonie, and make return to this Court, at the charge of the said petitioners, in October next.

This Court being informed that there is a good tract of land within this Colonie westward of the towne of Woodstock, northward of the town of Mansfield, and adioyning to the great pond called Chrystall Pond, that may be sufficient to make a good and convenient towne, which tract of land this Court being willing to secure for such good people as shall be willing to settle thereon, doe therefore grant a township there, of the extent and bignesse of eight miles square or equivalent thereunto.† And for that end doe hereby impower, order, and appoint, Maj^{r} John Chester, Capt. Mathew Allin, Capt. Cyprian Nichols, Capt. John Higly, M^{r} John Hooker, M^{r} Caleb Stanly, and Eleazar Kimberly, they or any three of them, to be a comittee to survey and lay out the said township of the extent and quantitie aforesaid, and to make return thereof to this Court in October next for further confirmation; and also to

* Called Coventry, October, 1711.

† Afterward Ashford.

lay out home lotts and other divisions of land, and to order and manage the affairs of the said towne, and to admitt and settle all such inhabitants thereon as are well approved, who shall upon their admission pay their proportionable parts of the charge of surveying and settling the same according to their respective allotments.

Vpon the petition of the inhabitants of the towne of Plainfield, this Court doth appoint Lieu[t] John Hough, M[r] John [502] Plumb of Newlondon and || M[r] Caleb Stanly to be [a] comittee to indevour a settlment of the bounds between Plainfield and Preston, to be done at the sole charge of the petitioners, and a return made to this Court in October next.

Whereas by reason of the late running and stating of the dividing line between the townes of Newlondon and Preston some lands granted to severall persons by the towne of Newlondon doe now fall within the bounds of Preston according to the said late line: it is ordered by this Assembly that such lands shall be and remain to the respective persons to whome they were granted by the said towne of Newlondon and to their assignes, according to the true intents of their originall grants, the said late stated line notwithstanding.

Upon the petition of the farmers inhabiting on the west side of the bounds of Newhaven, this Assembly grants them libertie to be a distinct foot company for mustering and exercising according to rules of lawe, with libertie to choose officers and performe all other services relating to the matter aforesaid; their bounds to be from the road that leads from Newhaven to Milford down to the sea.

Vpon the petition of Timothie Mather of the towne of Lyme, this Court grants him libertie to keep a boat and to transport travailers as there shall be occasion over the River of Connecticutt near the mouth of it, he taking no other fees then what is already stated by lawe for that ferry, and attending the duty required of ferrymen.

Whereas James Evarts of Gilford in right of his wife Hannah Evarts, alias Hannah Bow, Marie Bowe, of the said towne of Gilford, and Nathan[ll] Browne of Midltown as gardian to Rebeccah Bowe, did at the Court of Assistants holden at Hart-

ford May the 10th, 1697, recover judgment against Ensign John Hall, alias Capt. John Hall, for the sume of nineteen pounds five shillings and sixe pence, and execution was issued forth to the constable of Midltowne to levie the said sume upon the estate of the said Hall, and delivered to Isaac Lane then constable of the said towne, who not pursuing the said writt to effect, the said James Evarts and his partners abovenamed recovered judgmt against the said Lane for his default, at the Court of Assistants holden at Newhaven in October last, for the sume abovementioned and cost, amounting in the whole to twentie four pounds eleven shillings and sixe pence, part money, for which he hath compounded with the creditors; the said Lane making his application for relief against the said Hall (the originall debtor) in the premises: this Assembly upon consideration of the case doe order the Secretary to issue forth an alias execution, requiring the sherriff or other officer proper to levie the said sume of nineteen pounds five shillings and sixe pence, upon the estate or in want thereof upon the person of the said Hall.

The judgment of the Court of Assistants in the case depending between Joseph Tracie of Norwich plaintiff by review, and John Smith of Plainfield defendant, at the said Court holden at Newhaven in October last, is by this Assembly (upon the petition of the said John Smith) reversed, and the execution issued forth upon the said judgment made null; and it is ordered by this Court that both parties, viz. the plaintiff and defendant, bear each the charges they have expended in said case.

[503] Whereas Mr Lewis Lyron of Milford hath petitioned to this Court to give him the countries part of a parcell of tallow shipped by him for transportation out of this Colonie, and seized and condemned because the law forbad the transportation of it, the said Lyron pleading that he was ignorant of the lawe, and did the thing openly and not in a private way, and that he should not have done it had he known it had been contrary to the lawes of this Colonie; this Court grants the Colonies part of the tallow forfeited unto the said Lyron.

This Court grants to Capt. Joseph Whiting, Treasurer, two

hundred acres of countrie land if it may be found not preiudicing any former grant.

Whereas the Generall Court of this Colonie at their sessions Octob^{r} the 13th, 1687, granted to Giles Hamlin Esq^{r}, since deceased, three hundred acres of land for a farme, provided he should take it up where it might not preiudice any former grant to any person or plantation; and whereas John Hamlin Esq^{r} and M^{r} William Hamlin, sonnes of the said Giles Hamlin, have bargained and sold the said grant of 300 acres of land to John Allin of or belonging to a farme nigh to the towne of Woodstock, and the said John Allin hath pitched upon and made choice of a certain parcell of land of 300 acres lying at or near a place called Pattoquottuck, distant about sixe or seven miles from Woodstock aforesaid: This Court doth allow and approve the said pitch and choice made by said Allin of the said 300 acres of land for y^{e} said grant, provided it preiudice no former grant as aforesaid, and doe order and appoint M^{r} Caleb Stanly to survey and lay out the said 300 acres of land for said Allin, and to make return thereof to this Court in October next.

This Court grants libertie to Thomas Merwin, administrator on the estate of Ephraim Wheeler of Fairfield deceased, with the advice of Capt. Gold and Capt. Wakeman to sell so much of the said Ephraim Wheelers land as may pay his just debts.

This Court grants libertie to widdow Elizabeth Strickland of Symsbury, under the inspection and with the advice of Capt. Samuel Crosse of Windzor, to sell so much of the land of her late husband Joseph Strickland as shall appear to be of necessitie to be sold for the payment of an obligation her said late husband was under of twentie pounds money and five pounds pay towards the maintaining of Ephraim Strickland.

Whereas Thomas Scranton late of the towne of Gilford dec^{d}, did in his life time sell a small parcell of land and received the pay for it, but died before he had given a deed for it: this Court grants power to Elizabeth Scranton, widdow and relict of the said Thomas Scranton, and John Scranton, eldest sonne of the said Thomas Scranton, to give assurance by deed of said land to him that hath so bought and paid for it.

Vpon the application of Jonathan Hill of Newlondon, administrator on the estate of William Sharwood dec^{d}, shewing to this Court that the said Sharwoods personall estate is not sufficient to pay his debts, this Court grants liberty to the said administrator, with the advice of M^{r} Richard Cristophers, to sell so much of the housing and land of the said deceased as may be sufficient to pay his debts.

Whereas it appears of record that Jonathan Cornwel, administrator to his father Thomas Cornwel deceased, did at a Generall Court held at Newhaven October, 1704, obtein libertie [504] to sell so much of his said || fathers lands as may be needfull for defraying his just debts yet due, having already paid with the moveables so farre as it will goe, as appeared under the clerk of the court of probates hand, and the said administrator dying before he had acted any thing upon it, and Capt. John Hall succeeding the said Jonathan in said administration and desiring the same libertie: this Court grants his request, and impower the said Capt. Hall, with the advice of Serj^{t} John Cornwell and his brother Samuel Cornwell, to sell so much of the said land as shall be needfull to defray his just debts.

Upon the application of Benjamin Banks, the sonne of Beniamin Banks late of Fairfield deceased and administrator to his estate, this Court grants libertie to the said administrator, with the advice of Capt. Nathan Gold, to sell so much of the land of the said Benjamin Banks deceased as may be sufficient to pay his debts.

Upon the application of Capt. Daniel Wetherell execut^{r} to the last will and testament of Adam Pickett, late of Newlondon, this Court grants libertie to the said administrator to make sale of so much of said Picketts land as may be sufficient to pay his just debts.

Upon the application of Samuel Wright, Jacob Griswold and John Curtis, selectmen of the town of Wethersfield, this Court grants them liberty to sell four acres of land belonging to Amie Gilbert of the said towne, a poor impotent person, to procure necessaries for her maintenance.

Also upon the application of the said selectmen, this Court

grants them libertie to sell a small house and about five roods of land belonging to Sarah Powell of the said towne, a poor distracted person, to procure necessaries for her relief and maintenance.

Whereas Mr Justis Bush of Newyork, Mr Samll Hawly junr, and Mr William Janes of Stratford, have without libertie from this corporation purchased a tract of land of some Indians, lying within this Colonie, for which they are to be prosecuted at a speciall countie court at Fairfield in June next, the said Janes offering to this Court to resign to this Corporation his part of said purchase and to indevour that his partners shall doe the like before or at the said speciall court:—this Court doe therefore see cause to order that if the said Bush and Hawly, and Janes, doe before or at the said countie court make a free, full and firme resignation of the said deed or purchase of land abovementioned unto this corporation, and deliver the same compleated according to lawe into the hands of Capt. Nathan Gold and Mr Peter Burr, or either of them for the use of this corporation, that then the abovesaid prosecution against [505] them shall cease; or if any one or more || of them shall doe the same for his or their part, he or they so doing shall not be any further prosecuted for his or their breach of lawe in making the abovesaid purchase, and the person or persons so resigning may present at the Generall Court in October next the account of his or their charge of their purchase abovesaid, for the Courts consideration.

This Court orders that the last Thursday in this month be religiously observed in fasting and prayer.

John Prents his survey of a tract of land for the heirs of Robert Webster.

By virtue of a grant of land of 300 acres unto Robert Webster of Hartford by the Generall Assembly May the 9th, 1672, I have laid out the same in the Nipmug countrie on the east side of Quenabaug River, southeast from Woodstock, as followes, about five miles and adioyning to Richard Evans farme.

I began it on the east side of a barren hill in sight of Richard Evans house at a heap of stones, and run nor-norwest four hundred and seventie and four rods by marked trees to a white oak tree on the top of a barren hill, then it runs noreast by

marked trees down a steep hill over a brook below the falls of said brook, and so on in a low part of the land, crossing obliquely a small swamp to a white oak tree on the north side of a rocky hill two hundred rods, then it runs south southeast two hundred seventie and four rods by marked trees and heaps of stones to a rock and heap of stones on the top of it in fair sight of Evans meadow, then it runs southwest two hundred rods to the first bounds, with an addition of a small angle of land lying at the south corner of the said land, which is bounded with said Evans land and Nicolaus Cadeys land and is to make up what is wanting in the abovesaid tract of land by reason of badnesse of land, and allowance for highwayes; there is within the land a brook and a spong of meadowe; the abovesaid angle of land is bounded on the west with the comons and exceeds not twentie acres. There is a highway allowed between said Evens land and Websters of two rod wide.

Aprill 25^{t}, 1706. John Prentts, Countie Surveyor.

This Court confirmes to the heirs of M^{r} Webster the above grant in the place where it is laid out, provided it interfere not on any land already laid out.

The action now depending between M^{r} Solomon Tracie and Maj^{r} James Fitch as atturney for William Johnson, by review to the Court of Assistants in October, is not intended to be stopt or suspended by the order of this Assembly respecting the differences between the Govern^{rs} Hon^{r} and Major Fitch and others, about the lands at Quinebaug, but the same may proceed the said order notwithstanding.

Whereas Lieu^{t} Treat of Wethersfield had a country grant of land, also the heirs of John Porter of Windzor having a grant [506] of lands, they || desired and agreed to lay them out together.

Att a Generall Assembly holden at Hartford May 10th, 1705, This Assembly doth appoint Capt. Mathew Allin and James Eno jun^{r}, in the stead of Thomas Bissell and Samuel Grant, to lay out one hundred and twentie acres of land to the heirs of M^{r} John Porter, granted to him by the Generall Assembly May 14th, 1674,—Pursuant thereto and on the desire of Timothie Lomis and Nathaniel Lomis, which married two of the said Porters daughters, we the subscribers did on the 28th day of September, 1705, goe to a white oak tree standing about two miles southward of the great pond near Dickisons stone house, and about four rods westward of Colchester road and marked

said tree, and from thence run near norwest by the needle, measuring three hundred and twentie rods to a chestnutt tree which we marked and laid stones round the same, then turned southwest measuring two hundred and fiftie rods, to a chestnut tree which we marked, and then run southeast measuring three hundred and twentie rods to a small tree which we also marked. Mr Churchell of Wethersfield helped us to make the whole measure, the abovesaid Lieut Treat being present. (Memorandum.) The hundred and twentie acres of land appointed to be laid out to the heirs of Mr John Porter is to be taken square off at the southeasterly end within the abovesaid abuttments which were made by us. Mathew Allin,
James Eno junr.

The grants of land to Lieut James Treat and the heirs of John Porter confirmed by this Court as laid out by Capt. Mathew Allin and James Eno junr, provided it preiudice no former grant.

Acts and Lawes passed at this Assembly.

Be it enacted by the Governr, Councill and Representatives in Generall Court assembled, and it is hereby enacted by the authoritie of the same: That wheresoever there is any comon field in this Colonie and the proprietors thereof have not a comittee appointed for such field as the first parragraph of the lawe, title Comon Fields and Fences, doth direct to, and there be need of such comittee, it shall be the duty of the selectmen of the towne wherein such field is situate, as often as there shall be occasion, to warn the proprietors of such field to assemble together to choose meet persons for that service. And when the proprietors of such field (or such of them who upon such warning given them by the select men of such towne, or by any two of them,) shall be assembled together, the major part of the proprietors present computed according to their interests in the field as the forementioned parragraph directs, shall have full power to act in choosing such a committee as is required in the said lawe. And if the said selectmen shall neglect to warn the proprietors to assemble together for the [507] end || aforesaid, when there is occasion for it as abovementioned, they shall for their said neglect pay a fine of twentie shillings to the use of the proprietors of such comon field.

To prevent the difficulties that frequently doe arise by reason

that owners of fences in the lines of comon fields, keep not up stakes with the two first letters of their names on them; it is ordered and enacted by this Assembly: That for the future every one who shall neglect more then two dayes after notice given by either of the fence viewers, to sett up stakes or markes as aforesaid, shall forfeit for every such neglect two shillings and sixe pence, to be collected and disposed of according to the act made for the direction of fenceviewers for the fining the neglects of the owners of defective fences.

Whereas there is more tallow raised in this Colonie then is necessary for the use of the inhabitants, and the restraint of exportation of it proves preiudiciall,—upon consideration thereof, it is ordered and enacted by this Assembly, that part of the lawe, title Hides and Tallow not to be transported, so farre as it concernes the exportation of tallow, be repealed, and it is repealed accordingly.

Whereas in the fift parragraph of the lawe, title Intestates Estates, Wills and Inventories, the libertie of the appeal of any aggrieved person at any order, sentence, decree, or denial, made by the court of probates for the settlment of any intestate estate, is limited to the next Court of Assistants and to no other: it is now ordered by this Assembly, that for the future it may and shall be lawfull for all persons aggrieved with the sentence, act, deniall, determination or decree of the court of probates or Court of Assistants, to appeal as in other cases that have issue at the comon lawe.

Whereas much inconvenience doth arise by allowing to delinquents sentenced for the breach of penall lawes or other misdemeanours, libertie of review or appeal from court to court, charges being increased thereby and justice greatly retarded,—It is ordered and enacted by this Assembly, that when any person or persons shall be convicted of the breach of any penall lawe or other misdemeanour before any Assistant or Justice of the peace in this Colonie, such delinquent shall have liberty of appeal to the next countie court in that countie and no further. And when it shall happen that any person or persons shall be fined for the breach of any penall lawe or misdemeanour as aforesaid by any countie court or court of Assistants, such delinquents shall not have libertie of any further triall.

It is ordered and enacted by this Assembly: That when any officer, as sherriff or constable, shall have a writt of execution, to levie upon the estate of any person or persons, and for want of estate doth seize the body or bodies of such person or persons and commit him or them to prison, a copie of the writt or execution signed by the said officer and delivered to the gaoler shall be sufficient warrant or order for him to receive such person or persons and him or them to hold in safe custodie till delivered by lawe.

[508] It is ordered and enacted by the Governour, Councill and Representatives in Generall Court: That the printed lawe, title Hereticks, in pag. 48, so farre as it respects Quakers, be repealed, and it is hereby repealed accordingly.*

L. S. * At the Court at Kensington the 11th day of October, 1705.

Present:

The Queens most Excellent Matie,

His Royll Hss Prince George of Denmark,	Earl of Renelagh,
Ld Arch Bp of Canterbury,	Mr Boyle,
Lord Keeper,	Mr Secretry Hedges,
Lord Treasurer,	Mr Secretry Harley,
Lord President,	Ld Ch: Jus: Holt,
Duke of Somersett,	Ld Cn: Jus: Trevor,
Duke of Ormond,	Mr Vernon,
	Mr Erle.

A representation from the Lords Commrs of Trade and Plantations, being this day read at the Board, upon an Act passed in her Maties Colony of Connecticutt, entituled only Hereticks, whereby it is enacted, That all who shall entertain any Quakers, Ranters, Adamites and other Hereticks, are made lyable to the penalty of five pounds, and five pounds ℔ week for every towne that shall so entertain them, That all Quakers shall be committed to prison or be sent out of the Colony, That whoever shall hold unnecessary discourse with Quakers, shall forfeit twenty shillings, That whoever shall keep any Quakers books (the governour, magistrates, and elders excepted) shall forfeit ten shillings, and that all such books be supprest, That no master of any vessell do land any Quakers without carrying of them away again, under the penalty of twenty pounds: And the said Lords Commrs humbly offering, that the said Act be repealed by her Matie, it being contrary to the liberty of conscience indulged to dissenters by the laws of England, as likewise to the charter granted to that Colony: Her Matie with the advice of her Privy Councill, is pleased to declare her disallowance and disapprobation of the said act, and pursuant to her Maties royall pleasure thereupon, the said Act passed in her Maties Colony of Connecticutt in New England entituled Hereticks, is hereby repealed, and declared null, and void, and of none effect.

John Povey.

Ecclesiastical I, 156.

The repeal of this law was obtained on the petition of the English Quakers to the Queen, "Which I took," writes Sir Henry Ashurst, "to be a very extraordinary order considering you were in possession of your own charta, but the hand of Joab is in it, I mean D." [Dudley.] Eccl. I, 155, 157. Foreign Corresp. II, 91, 100, 102.

This Assembly orders the last Thursday in this month to be kept as a day of fasting and prayer.

The Acts of the next Generall Assembly are entred and recorded in the fourth book of the Records of said Generall Court, which begins at a Generall Assembly holden at Newhaven, October the 10th, 1706.

ERRATA.

Page 86, line 2 of note, for iii read ii.
Page 150, line 15, for [Lieutenant] read [Ensign.]
Page 296, line 7, for [322] read [332.]
Page 296, line 25, for Parker read Parkes.

A few errors of the original record escaped notice in time to correct them on the pages where they occur.

State of Connecticut, ss.

Secretary's Office.

I hereby certify, that I have caused the foregoing printed pages of this volume to be carefully compared with the original Records in this office; and that the same is a true, full and literal copy of said Records.

In testimony whereof, I have hereunto set my hand and affixed the Seal of the said State, at Hartford, this 21st day of May, A. D. 1868.

L. S.

LEVERETT E. PEASE,

Secretary.

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